

Final

Napa Oaks Project Environmental Impact Report

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March, 2000

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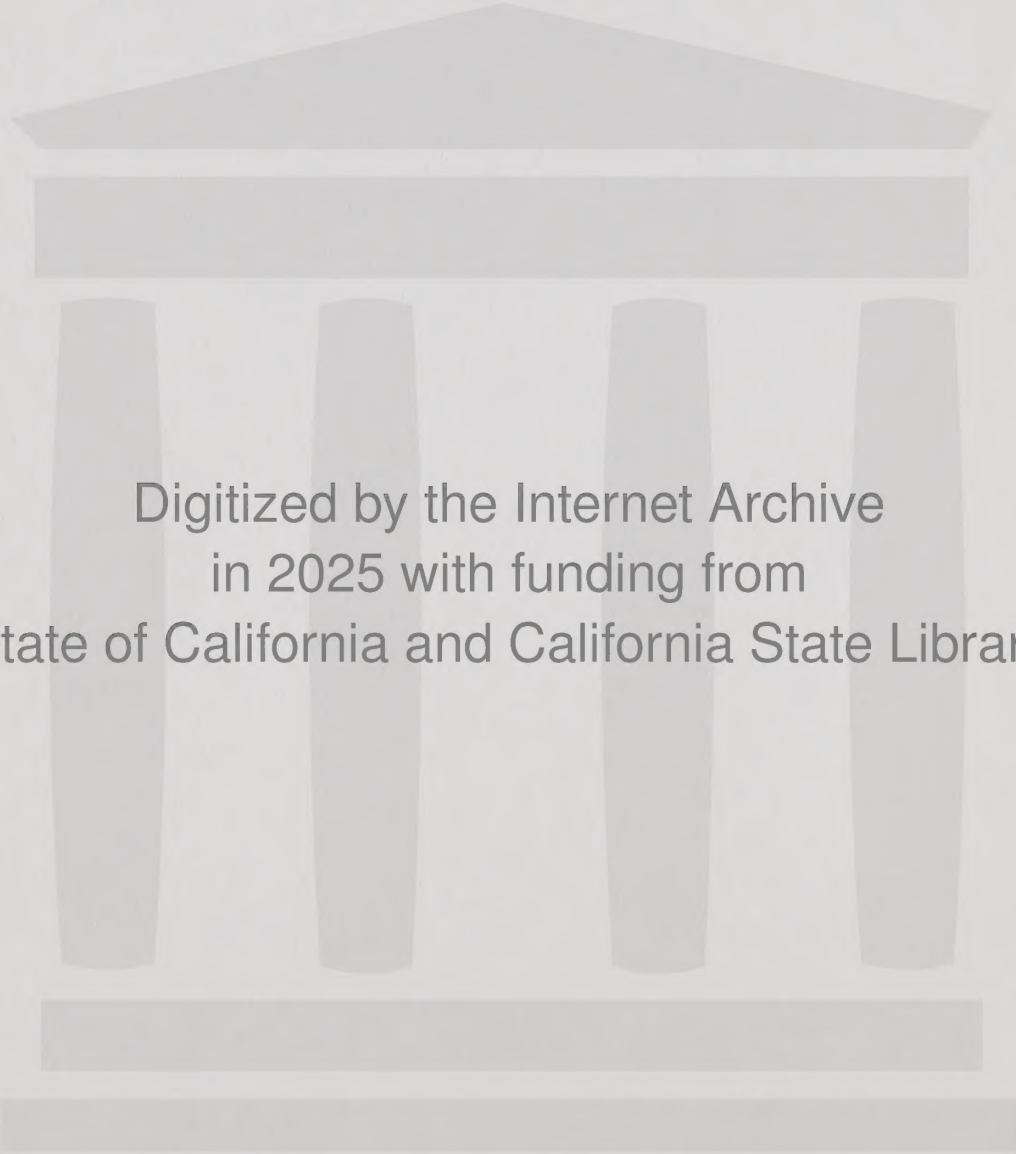
Prepared for:

The City of Napa
Planning Department

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Napa Oaks Project Environmental Impact Report

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City of Napa
Planning Department

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March, 2000

Napa Oaks Project Final EIR

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Introduction

Purpose of the Final EIR

This document has been prepared as an addendum to the Draft Environmental Impact Report and the Recirculated Portion of the Draft EIR for the proposed *Napa Oaks Subdivision*. The primary purpose of this EIR is to evaluate the potential environmental effects of the proposed Napa Oaks Subdivision, a low-density residential development on 80.6 acres in the City of Napa. This development proposal, referred to as "the Project" throughout this EIR, is to construct 83 new homes ranging from 3,000 to just under 4,000 square feet, situated on lots varying in size and layout from 0.3 to 3 acres.

This EIR has been prepared pursuant to the California Environmental Quality Act (CEQA) as amended (commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines. The Lead Agency for the Project as defined by CEQA is the City of Napa, which has planning jurisdiction over the site. Responsible Agencies for the Project include the Napa Sanitation District and the State Regional Water Quality Control Board.

The Project proponent is Davidon Homes, which owns the site along with two other property owners. Entitlements requested by Davidon Homes include:

- a General Plan amendment, re-designating approximately 78 acres of the site from RA - Resource Area to SFR (at densities of 0 to 2 dwelling units per acre),
- an ED-3 rezoning for 2.6 acres of the site,
- a Planned Development rezoning,
- a tentative subdivision map,
- a use permit for hillside residential uses, and
- final architectural approval.

Environmental Review Process

The Draft EIR was made available for public review on September 14, 1999 and distributed to local and state responsible and trustee agencies. The general public was advised of the availability of the Draft EIR through public notice in the newspaper and by mail (to owners of property within 500 to 1,000 feet of the Project site and those

requesting notice). During the public review period for the Draft EIR (September 14, 1999 to October 28, 1999) the City received comments, both in writing and verbally. Verbal comments on the Draft EIR were received at a Planning Commission hearing held on September 30, 1999 at the City Council Chambers. This addendum contains all comments received by the City (written comment letters and a summary of the Planning Commission hearing), and also includes responses to these comments, together with necessary changes or revisions to the text of the Draft EIR document. Changes to the text of the Draft EIR are shown in underline for new text or ~~strikeout~~ for deleted text.

A portion of the *Napa Oaks Subdivision Draft Environmental Impact Report* was recirculated for a 45-day public review period beginning January 27, 2000 and ending on March 13, 2000. The City of Napa determined that Chapter 7 of the Draft EIR - Traffic and Circulation contained a discrepancy pertaining to the projected increase in traffic anticipated to occur on Foster Road (a local collector and neighborhood street) as a result of the Project. This discrepancy resulted in a substantial increase in the severity of the reported traffic impact on this local road, resulting in a new significant impact not fully disclosed in the Draft EIR. This portion of the Draft EIR was subject to recirculation. During the public review period for the Recirculated EIR the City received written comments on the recirculated document. This addendum also contains all comments received by the City on the Recirculated portion of the EIR, and responses to these comments.

This addendum is expected to be presented to the City of Napa Planning Commission at a public hearing in April 2000. Following the Planning Commission's review and recommendations, the City Council shall review and consider certification of this document as a technically adequate, full disclosure document. As such, it must identify the potential environmental effects of the proposed Project, recommend mitigation measures to avoid or reduce potential environmental effects, and consider possible alternatives to the proposed Project. Assuming that the City Council certifies this document as complete and adequate under the guidelines of the California Environmental Quality Act (CEQA), then this document together with the Draft EIR and the Recirculated portion of the Draft EIR will constitute the Final EIR for this Project. The City Council may require additional changes or modifications to this addendum prior to certifying the Final EIR. The Final EIR would then be used as an informational document by the City Council when making a decision whether to approve the Project or not.

Report Organization

This addendum to the Draft EIR consists of the following major chapters:

- **Chapter 1: Introduction** - outlines the purpose, organization and scope of the EIR and important information regarding the public review and approval process.
- **Chapter 2: Revisions to the Draft EIR** – includes corrections, clarifications or additions to text contained in the Draft EIR based on comments received during the public review period.

- **Chapter 3: Comments on the DEIR** - reproductions of letters received from public agencies and the public on the Draft EIR, and the names of individuals and summaries of comments made at the Planning Commission hearing on September 30, 1999. The comments are numbered in the margins. The responses to these comments are contained in Chapter 4, and are keyed to these numbered comments.
- **Chapter 4: Responses to Comments on the Draft EIR** – responses by the EIR authors to comments made on the Draft EIR. This Chapter begins with general responses to frequently made comments, followed by specific responses to each comment.
- **Chapter 5: Comments on the Recirculated Portion of the EIR** - reproductions of letters received from public agencies and the public on the Recirculated portion of the Draft EIR. The comments are numbered in the margins. The responses to these comments are contained in Chapter 6, and are keyed to these numbered comments.
- **Chapter 6: Responses to Comments on the Recirculated Portion of the Draft EIR** – responses by the EIR authors to comments made on the Recirculated EIR, including specific responses to each comment.

Additionally, a Mitigation Monitoring Program has been prepared in compliance with the requirements of State law (Public Resources Code, Section 21081.6) and CEQA Guidelines, which require adoption of a mitigation monitoring program when mitigation measures are required to avoid or reduce significant environmental effects of a proposed project. This Mitigation Monitoring Program is only applicable if the Napa City Council determines that a General Plan amendment for the Project site is appropriate, changing the designation of the property from its current designation of “RA” Resource Area to allow for development of the proposed project. If the City Council determines that a General Plan amendment is not appropriate for the Project site, this Mitigation Monitoring Program would be unnecessary. The monitoring program is not included in this document, but would be made available for review pending determination of the applicants’ request for a General Plan amendment.

Revisions to the Draft EIR

Introduction

The following are text changes made to the *Napa Oaks Draft Environmental Impact Report*. These changes reflect minor corrections or edits initiated by the City of Napa Planning Department staff, as well as other changes, additions or modifications made to the text of the Draft EIR in response to comments received on the Draft EIR document. Explanation for those changes made in response to comments on the Draft EIR are found in Chapter 4: Responses to Comments.

Additionally, the Draft EIR is amended to include the following additional appendices:

1. Memorandum from Napa County dated April 8, 1997 containing comments on the original Project application.
2. A copy of the City of Napa's Policy Resolution 27 containing standard mitigation measures for all projects within the City.
3. Primary Record and Building, Structure and Object Record forms 523A and B as completed by Mr. Donald Napoli, PhD.
4. Chapter 7: Traffic and Circulation Draft EIR, Re-circulated Portion dated January, 2000.

Page:

Cover The mis-printed State Clearing House number is changed to reflect the number provided by the State Office of Planning and Research for this Project as;

State ClearingHouse Number 1998012049 ~~93081036~~.

Intro-5 The text describing the public review period is amended as follows:

The Draft EIR will be circulated for a 45-day public review period beginning on ~~September 13~~ September 14, 1999 and ending on ~~October 28~~ October 29, 1999.

Intro-5 The following text is added to address the re-circulation.

Note: During review of comments received on the Draft EIR, the City of Napa determined that the Traffic and Circulation section contained a discrepancy between information presented in that chapter's tables and figures as compared to the narrative description of potential impacts for Foster Road. Thus, the discussion pertaining to Impact 7-3: Traffic Impacts on Foster Road was re-circulated, and the Traffic and Circulation chapter was re-published to provide context. The public comment period for re-circulation was January 27 through March 13, 2000. See Appendix 4 for additional information.

S-5 The text describing the environmentally preferred alternative is amended as follows:

The Alternatives analysis identifies the No Development Alternative as the environmentally superior alternative. This chapter also identifies the environmentally superior alternative as the "RA" Alternative (the alternative consistent with the current General Plan designation for the site) in the absence of the No Development Alternative. The General Plan/RA Alternative is second best from an environmental standpoint.

S-6 Revisions to Table S-1: Summary Table of Impacts and Mitigation Measures are provided at the end of this chapter. All revisions are shown with strikeouts and underlines.

1-18 The list of planning approvals sought by the applicant is amended to include a Tentative Subdivision permit, consistent with the text on page 1-17 and the Introduction, page 1.

- a tentative subdivision map approval,

2-8 The text on page 2-8 is changed as follows to clarify the difference between a policy inconsistency and an environmental effect:

Notwithstanding the first significance threshold set forth above, the mere fact that the Project requires a General Plan Amendment and rezoning, or might be inconsistent with particular policies in the General Plan, Zoning Ordinance, or Hillside Development Guidelines, does not per se amount to a significant environmental effect (See Baldwin v. City of Los Angeles (1999) 70 Cal. App 4th 819,8420843). Rather, inconsistency with current City policies embodying environmental protection commitments is ~~simply~~ an indication that project approval might lead to adverse effects on the physical environment. Actual potential adverse effects on the environment that would be anticipated to occur as a result of subsequent development of the Project that would be inconsistent with City environmental policies are fully addressed in subsequent chapters of this EIR.

Under CEQA, significant environmental effects must involve an adverse change in physical conditions, as opposed to mere inconsistency with existing policies. Thus, in the pages that follow, where City staff and consultants have identified potential "inconsistencies" with the General Plan, Zoning Ordinance, or Hillside Development

Guidelines, the proposed Project changes needed to eliminate such inconsistencies are styled "conditions of approval". Where City staff and consultants have identified potential environmental impacts, the recommended Project changes needed to reduce or avoid such impacts are defined as "mitigation measures." The use of the term mitigation measure in relation to a policy inconsistency would inappropriately suggest that the changes, if feasible, would be mandated by CEQA. (See Pub. Resources Code S 21002; CEQA Guidelines, SS 15002, subd. (a)(3), 15021, subd. (a)(2).). In fact, the changes would be mandatory only if the City Council determines that the changes are necessary to avoid an inconsistency with the City's General Plan, Zoning Ordinance, or Hillside Development Guidelines.

- 2-17 Condition of Approval 2-1B is revised to accurately reference the following mitigation measures;

Condition of Approval 2.1B: Neighborhood Character. To address policies related to neighborhood character, the Project shall implement the visual impacts Mitigation Measures ~~44-6~~ 11.4A and 11.4B to reduce the scale of the homes on lots 82, 83 and 85 adjacent to existing homes, and to reduce the heights of homes on lots 75 through 80.

- 2-18 The text on page 2-18 is revised as follows in order to more accurately describe the EIR's conclusion:

In combination with **Condition of Approval 2.1B**, this alternative layout could potentially eliminate the Project's inconsistency with General Plan policies pertaining to the reduction of adverse effects on sensitive environmental resources (oak woodlands and wetlands) and on scenic resources, avoidance of physical constraints of the site (steep slopes, geological hazards and erosion prone areas); and minimization of potential urban/rural conflicts with adjacent agricultural uses.

- 2-20 Potential Inconsistency 2-3 is amended as follows:

Potential Inconsistency 2-3: Inconsistency with the Hillside Overlay District. The proposed Project is consistent or compatible with some of ~~many of~~ the City of Napa's Hillside Overlay District guidelines, but not consistent or compatible with other parts of all of the guidelines of this zoning district, particularly in regard to minimizing grading in hillside areas.

- 2-29 Page 2-29 is amended as follows:

Approximately 21 of the proposed 83 ~~Most of the~~ home layouts are designed to conform to ~~natural~~ topographic contours ~~of the site~~. For example, these 21 two-story structures are designed to step into the ~~natural~~ hill contours to minimize perceived height of the structure to adjacent (and downhill) uses.

- 2-34 Mitigation Measure 2-5A is amended as follows:

Mitigation Measure 2-5A: Feathering of Density. The Project proposes a progression of smaller to larger lots from the urban core to the RUL edge. However, a number of lots within the southwestern portion of the site should be further

increased in size to transition with the 1- to 2-acre lots to the west of the Project area, in unincorporated areas of Napa County. The Project should redesign the layout of residential lots on the western RUL edge to maximize a "feathering" effect (from low density to higher densities) from the RUL edge to the interior and eastern portions of the proposed residential development. ~~This could be accomplished if the Project met the minimum lot size of the ED-1 zoning district (1-acre lots), particularly on the western RUL edge. An example of such an alternative is depicted in the Alternatives Chapter, Figure 14.2.~~ The Project could accomplish this by reducing the number of lots on the southwestern RUL edge, as depicted in Figures 14.1 and 14.3. See Chapter 14: Alternatives, for discussions of the "Mitigated Project Alternative" and the "Resource Area" Alternative.

2-35 Mitigation Measure 2-5B is amended as follows:

Mitigation Measure 2-5B: Final Design of Agricultural Buffer Fence. The proposed Agricultural Buffer shall undergo separate final architectural review prior to Final Map approval, and ~~may~~ be conditioned to require that fencing, landscaping and other proposed improvements along the RUL edge be designed to further minimize the potential for trespassing on adjacent vineyards. The design of the fence shall have no openings unless required by City departments for access, and of a height and design to strongly discourage climbing, while also providing an attractive design.

2-35 Condition of Approval 2-5D is amended as follows:

Condition of Approval 2-5D: Agricultural Buffer. The Project shall be conditioned to provide an agricultural buffer of not less than 80 feet in width from the property line adjoining the RUL on the main, 78-acre parcel. This buffer is included in the Project Description as proposed. Included within this buffer shall be a minimum of 15 feet of landscaping to establish a clear boundary between residences and adjacent agricultural uses, and other provisions of the CR-7 agricultural buffer zoning overlay shall apply to this portion of the site.

- a) When the final agricultural buffer landscaping plans are being prepared, the applicant shall consult with the UC Cooperative Extension Service to identify and avoid potentially problematic plants associated with Pierce's disease near vineyard areas.
- b) A homeowners association shall be established to accept a conservation easement that shall be established for the Agricultural Buffers, and to provide for on-going management and maintenance responsibility of the Agricultural Buffer.

3-19 Mitigation Measure 3.2B is added (Mitigation Measure 3.2 becomes 3.2A)

Mitigation Measure 3.2B: Water Tank Design Criteria. The water tank site is located within seismic zone 4 and therefore the most restrictive design criteria in regards to seismic forces shall be used in the design of the tank. The design and construction of the welded steel water tank shall conform to the following criteria:

- ~~a) Design shall be per the most recent standards of the Uniform Building Code (UBC) and the American Water Works Association (AWWA) D100.~~
- ~~b) The design shall be prepared by a registered professional engineer with experience designing similar structures within seismic zone 4.~~
- ~~c) A ground supported flat bottom tank with positive anchorage between the tank and the ringwall foundation shall be used in order to reduce the effects of seismic shaking.~~
- ~~d) Flexible joints shall be installed on all tank inlet, outlet, and overflow piping.~~
- ~~e) The drainage system at the tank site shall be designed to accommodate potential leakage from the tank or pipeline and shall be directed to the storm drainage system on Old Sonoma Road.~~

3-19 Added text:

Resulting Level of Significance. Adherence to UBC seismic provisions and water tank design criteria would reduce. . . “

3-20 Condition of Approval 3.3C is amended to include a provision for on-going maintenance and monitoring as follows:

Condition of Approval 3.3 C: Landslide Investigation, Repair Plan, and Report.

As required by the Universal Building Code (UBC) and the City of Napa (Municipal Code Section 16.36.200), existing landslides that could endanger the proposed Project or adjacent areas shall be investigated and a Soils Investigation/Geotechnical Report prepared. This report shall include conclusions regarding the geologic and geotechnical conditions at the site and recommendations for necessary corrective measures.

- a) In particular, the landslide present on Lot 19 shall be explored as necessary and recommendations made for its repair. The landslide in the swale area below the water tank access road shall be investigated to determine subsurface conditions within this area. The road embankment and underlying landslide shall be re-constructed as necessary according to the recommendations resulting from this investigation.
- b) An engineering geologist shall inspect all landslide removals and buttress excavations during construction to confirm that the excavations have removed the landslide and that engineered fills are founded in stable materials.
- c) All Project-related grading, trenching, backfilling, and compaction shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications.
- d) A homeowners association shall be established to provide for the on-going monitoring of landslide repairs within any areas under conservation easement, and for any necessary maintenance and additional remediation of landslide areas

or areas with slope instability following Project construction.

- 3-21 Mitigation Measure 3.4A is amended to provide for on-going maintenance and monitoring responsibilities:

Mitigation Measure 3.4 A: Debris Barriers. Debris barriers, catchment walls or other suitable devices, designed and constructed in conformance with the UBC and City of Napa Public Works Department Standard Specifications, shall be placed across the base of the slopes between Lots 52 through 60. The debris barriers should be incorporated into the rear yard fencing and retaining walls to reduce visual impacts. Between Lots 52 and 54, a cut slope bench could be placed as an alternate to a debris barrier. Use of a catchment wall or debris barrier above the main roadway below Lots 2 to 5 should also be considered to intercept potential shallow debris flows and rock falls. A homeowners association shall be established to provide for the on-going monitoring of any debris barriers located within areas under conservation easements, and for any necessary maintenance and removal of debris following Project construction.

- 4-15 Mitigation Measure 4-2B is amended to include the following details regarding the planting plan and maintenance and monitoring of the oak woodland habitat replacement site(s):

Mitigation Measure 4-2.B: Oak Woodland Habitat Preservation and Creation.

To compensate for the loss of oak woodland habitat, the Project shall implement a plan to provide for both the permanent protection of comparable oak woodland habitat and the creation of new habitat. This plan shall be based upon the following performance guidelines:

- a) The Project shall provide for the permanent preservation of off-site, undisturbed oak woodland habitat through the use of conservation easements or other similar mechanism. The area of habitat to be preserved shall be proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development.
- b) The Project shall also provide for the onsite creation of replacement oak woodland habitat by planting new oak trees and supporting habitat. The area of land to be planted as new oak woodland shall be in a non-fragmented configuration, proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development., and shall be placed under a conservation easement as permanent open space. The conservation easement shall prohibit grading, except minor grading at the edge of the easement area to conform to final project grading, and any minor grading recommended as part of the habitat creation plan to improve initial planting viability.
- c) In order to ensure that new oak trees planted under b) above survive to proportionally replace oak woodland habitat lost, the Project shall plant three new oak trees for every tree removed as a result of development (3:1 ratio). New oak trees shall be a combination of liners, 1-gallon, and 5-gallon specimens, and should be planted in such a manner as to mimic the tree canopy and density of the removed trees.

- d) A homeowners association ~~or other similar acceptable City approved mechanism~~ shall be established to provide for the management and maintenance of all areas placed under conservation easements, including the new oak woodland to be planted, the off-site oak woodlands preservation area, and for the maintenance and management of habitat areas and other Project open space areas where existing trees and steep slopes are to be preserved. ~~placed within conservation easements.~~
- e) The habitat creation plan shall be prepared by a certified arborist and include a detailed planting plan for the onsite oak woodland replacement habitat. The planting plan shall describe the species composition and density of the oak woodland habitat to be removed, detail the areas of proposed planting on an appropriate base map, and list the number and species to be planted in both the canopy and understory zones. The plan should also address the planting substrate and provide any recommendations necessary to make the designated areas suitable for planting. The plan shall be submitted to and approved by the City of Napa prior to approval of the Tentative Map.
- f) The habitat creation plan shall also include a maintenance and monitoring plan that describes specific maintenance and monitoring procedures for both existing retained oak woodlands and new plantings. This plan shall provide performance standards and a contingency plan should the plantings not meet the performance standards. The recommended period for monitoring is ten years following implementation. Annual monitoring reports should be provided to the City of Napa for review. The plan must identify how the maintenance and monitoring will be funded during the monitoring period and beyond the monitoring period, if necessary.

4-17 Mitigation Measure 4-4 is amended as follows:

Mitigation Measure 4-4A: Re-Create Affected Wetland Habitat. A minimum of 1.14 acres of wetland habitat or a minimum 1:1 ratio shall be recreated to compensate for ~~these wetland~~ areas lost. The plan for the creation of this wetland mitigation area shall be approved by the Army Corps of Engineers and signed off by the City prior to approval of the grading plan. This replacement wetland habitat could be provided as seasonal ponds in the designated open space areas and/or possibly within the proposed detention basin; assuming that maintenance activities in the basin are conducive to establishment of wetland vegetation and that storm water runoff can be treated prior to entering the proposed wetland area in the basin.

4-18 Mitigation Measure 4.4B is amended as follows to provide for on-going maintenance and monitoring:

Mitigation Measure 4-54B: Wetlands Mitigation Plan. A Wetlands Mitigation Plan shall be approved by the Army Corps of Engineers and signed off by the City prior to approval of the grading plan.

- a) At a minimum this wetlands mitigation plan shall identify the following goals and objectives:
 - location and size of all areas of fill,

- location and size of all mitigation areas,
 - planting plans and site preparation specifications,
 - an implementation and monitoring plan, and
 - cost estimates sufficient to cover the cost of implementing and maintaining the wetland.
- b) This Plan shall also identify methods of wetland creation and types of wetland to be created. All mitigation shall occur on-site at a minimum 1:1 ratio, higher mitigation ratios are encouraged. Performance standards shall include criteria for evaluating whether the goals of the Wetland Mitigation Plan are being achieved over time, plant cover values and the provision that the mitigation wetlands be dominated by native species. Noxious weed species shall not compromise more than 10 percent relative cover of the mitigation wetlands.
- c) A homeowners association shall be established to provide for the management and maintenance of the wetland mitigation site.
- d) A wetlands maintenance and monitoring plan shall be included as part of the Wetlands Mitigation Plan, describing specific maintenance and monitoring procedures and a contingency plan should the mitigation plantings not meet the performance standards. The recommended period for monitoring is five years following implementation. Annual monitoring reports should be provided to the City of Napa for review. The Mitigation Plan should also include a discussion of how the maintenance and monitoring will be funded during the monitoring period and beyond the monitoring period, if necessary.

6-10 Mitigation Measure 6.1A is amended as follows to incorporate requirements for homeowners association maintenance:

Mitigation Measure 6.1A: Provide No Increase in Peak Flow from Project Area.

The Project shall construct and provide for the maintenance of a detention storage basin sized to limit post-Project 100-year flows discharging to Old Sonoma Road, Casswall Street and Raynes Creek to pre-Project conditions. This mitigation measure shall be included in a re-design of the Project to ensure that there be no increase above existing conditions in peak runoff from the Project site.

- a) The amount of detention storage required on-site to limit the peak 100-year flow to existing conditions is estimated to be about 3.5 acre-feet at the Casswall Street site. The Casswall Street site detention basin should be about an acre in size and be about 5 to 6 feet deep at the maximum point.
- b) It is estimated that about 1.3 acre-feet of storage volume located along the Raynes Creek drainage course just north of the Project boundary will be needed. The Raynes Creek site detention basin would be about a third of an acre in size and be about 5 to 6 feet deep.
- c) A berm would need to be constructed at both sites to create the necessary detention storage facility, and the basins would need to be adequately fenced to prevent access to anyone other than maintenance personnel. The berms would have a maximum slope of 3 or 4 feet horizontal to 1-foot vertical to allow for the maintenance of the slopes (and to provide safer egress for maintenance

personnel in getting out of the basins). The basin outlets would be sized to control the release to pre-Project flow levels and to drain the basin in about 24 hours. Figure 6.3 shows the proposed drainage pattern and facilities for on-site detention basins. The resulting peak flows with detention are shown in Table 6-3.

- d) A homeowners association shall be established for the Project. This association shall be responsible for regular, on-going maintenance and up-keep of any concrete swales constructed within lands under conservation easements, any and all drainage diversions structures, and the detention basins.
- e) Alternatively, the applicant may pursue provision of an off-site detention facility acceptable to the City, including the provision of acceptable maintenance responsibility. An off-site detention basin may be a possible alternative to the Casswall Street basin (see Figure 6.4). An off-site detention facility must maintain pre-Project runoff levels. The potential off-site location is 2,500 feet west of the Project site, south of the Old Sonoma Road overcrossing at Highway 29. This alternative site is currently a school play field. A detention basin could be constructed at this site by excavating the play field to create a multi-purpose facility with the necessary detention storage volume. The estimated volume needed at this site to mitigate for the increased flows is estimated to be about 4 acre-feet. The play field would need to be excavated about 4 feet to create the necessary storage volume. This site could possibly accommodate a larger detention basin that could provide cumulative benefit to others within the downstream watershed. The investigation of a larger facility at this location is beyond the scope of the EIR study.

6-12 Mitigation Measure 6.2A, subsection c) is revised as follows:

All movement of earth shall comply with the specifications contained in the ~~Napa County~~ City of Napa Grading Ordinance and Erosion Control Plan.

6-17 Mitigation Measure 6.2C is amended as follows to provide for maintenance of the detention basin.

Mitigation Measure 6.2C: Water Quality Enhancement. Pollutant source control measures shall be incorporated into the Project design. Such measures should include:

- a) Stenciling the drain inlets with "Do Not Pollute",
- b) Incorporating grease and sediment traps into the design of drain inlets and manholes,
- c) Providing grass strips or lined swales for overland flow of runoff from paved areas before it enters a piped conveyance facility, and
- d) The detention basins should be configured to improve the water quality of any runoff from the development. The basins should be a natural setting, incorporating vegetation in the bottom and on the sides. The outlet structure should limit the peak discharge to the pre-Project condition and also control the

discharge so the total design volume in the basin is released over a minimum time of 24 hours. In addition, the basin design should incorporate a sediment collection area upstream of the basin to allow for the settling of heavy sediments.

- e) A homeowners association shall be established for the Project. This association shall be responsible for regular, on-going maintenance and up-keep of the detention basin. The detention basin shall be inspected each summer/fall to identify the need for removal of sediments and vegetation. The sediment will likely need to be removed once every two to three years.
- 7-6 Figure 7-2 has been amended to show missing turn movements at intersection #13. The amended figure is included in the Re-circulated Portion of the Draft EIR, Appendix 4.
- 7-11 Table 7-4 is amended to delete the reference to signalized intersections at SR29 ramps. The revised table is included in the Re-circulated Portion of the Draft EIR, Appendix 4.
- 7-20 Table 7-9 is amended to delete the reference to signalized intersections at SR29 ramps. The revised table is included in the Re-circulated Portion of the Draft EIR, Appendix 4.
- 7-23 The discussion of Impact 7-3 has been revised in the Re-circulated Portion of the Draft EIR, Appendix 4. See pages 25-27.
- 9-7 Mitigation Measure 9-3 of the Draft EIR is amended as follows:

Mitigation Measure 9-3 A: Construction Methods. Construction of any residences within the area indicated as Lots #33 through #36 shall provide for sound-rated windows and other sound-rated assemblies that can:

- a) achieve the City's standard of Ldn 45 dB indoors, and
- b) achieve a maximum instantaneous noise level of 40dB within bedrooms. If this standard cannot be achieved, homes ~~should~~ shall not be constructed in this area.
- c) To achieve the above standards throughout the remainder of the Project Area, sound rated windows are also recommended for all homes located in the southeast third of the site, e.g. Lots #22 through #54 and #61 through #72.

- 9-9 The following paragraph is added to his section:

Standard City mitigation measures as contained in City Policy Resolution 27 would apply to construction noise associated with the Project to assure that impacts will be less than significant. These standard measures include:

- 1. Construction activities shall be restricted to certain times pursuant to Napa Municipal Code, Section 8.08.025, which limits construction activity to 7:00 am to 7:00 p.m. Monday through Friday, and 8:00 am to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City manager for

additional hours. The ordinance further states that there will be no start up of machines prior to 8:00 am Monday through Friday, no delivery of materials or equipment prior to 7:30 am nor past 5:00 p.m., no cleaning of machines or equipment past 6:00 p.m., and no servicing of equipment past 6:45 p.m.

2. Construction equipment must have state of the art muffler systems required by current law. Muffler system shall be properly maintained.
3. Noisy stationary construction equipment such as compressors, shall be placed away from developed areas off-site, and/or provided with acoustical shielding.
4. Grading and construction equipment shall be shut down when not in use.

10-3 The first and second full paragraphs under Fire Protection Setting are amended as follows:

The Napa Fire Department (NFD) jurisdiction encompasses the Napa RUL. NFD's primary responsibilities include 24-hour emergency (medical) response and fire suppression services. The NFD uses a five-minute maximum response time as the City's service standard for both fire and medical emergencies. The service standard is used to prioritize personnel to any emergency in time to save lives and reduce property damage. ~~Napa's medical response services are also provided by the Napa Police Department and are evaluated in the previous section (Police and Public Safety).~~

NFD now has three existing fire stations to serve the RUL; a fourth fire station is under consideration on vacant property on Gasser Drive located at the South Napa Marketplace Shopping Center. Napa is divided into three north-south oriented fire service areas; Napa River and State Route 29 form the approximate fire service boundaries. The four fire station sites are shown in Figure 10.1. Primary fire service to the Project site will be provided by Fire Station #1 located on First Street in downtown Napa. Each of the three fire stations is staffed on a 24-hour basis, with a total duty force of ~~by~~ up to 15 personnel. Certain geographical areas of the city hamper fire services. For example, hillsides west of the highway and east of the river contribute to longer response times than the average. The NFD considers a 1.5-mile response radius from each fire station as providing satisfactory response service to fire and emergency calls within the City. Within these areas, NFD strives for a 3-minute response time. Locations beyond the 1.5-mile radius are considered outside the optimum response service area, with response times ranging from 5 to 7 minutes.

10-5 The fourth full paragraph is amended as follows:

To prevent or reduce fire risks in these areas, the City has adopted basic ~~firefighting~~ fire protection regulations as contained in the *Uniform Fire Code* (UFC). NFD's *Hazardous Fire Areas Fire Protection Standard* contains UFC regulations that are required for protection of life and property from wildland fires in wildland/urban interface areas throughout the City.

10-8 Condition of Approval 10.3A is amended as follows:

Condition of Approval 10.3A: Fire and Paramedic Fees. In accordance with City

Policy Resolution 27, the Project will be required to pay fire and paramedic fees for each new dwelling unit in accordance with the Napa Municipal Code.

10-9 The first full paragraph on page 10-9 is revised as follows:

The City's first priority for constructing new fire station facilities is to fund the new Fire Station 4 ~~station~~ on Gasser Drive. This new station would not provide primary response to the Project site, but would reduce the service load at Fire Station 1 and would provide backup response if Station 1 were unavailable. The Project site would ~~continue to be served~~ receive primary response from Station 1 at Seminary / First Street.

10-9 The Draft EIR incorrectly characterized the Napa Fire Department's staffing needs, and Impact 10.4 is amended as follows:

Impact 10.4: Increase in Demand for Fire Services. According to the General Plan and associated EIR, new development within the RUL (including the Project) will increase the number of calls for service and the need for fire personnel. ~~is not expected to increase the need for new NFD staffing beyond the staffing at the three existing fire stations.~~ This increased demand for fire services would not adversely affect fire protection and emergency medical services due to General Plan policies and implementation programs that call for the maintenance of adequate personnel and equipment necessary to provide fire suppression services for the City. The City's Fire and Paramedic Fee is anticipated to be used to equip new Fire Station #4, and this fee is to be updated as necessary to maintain adequate funding for fire and emergency medical services. As required under Condition of Approval 10.3A, the Project will be required to pay applicable Fire and Paramedic Fees, thereby offsetting its contribution to this potential impact. Therefore, the project is not expected to increase the demand for new fire service personnel, and does not create an environmental impact.

10-10 Mitigation Measure 10.5B is amended as follows to include provisions for homeowners association monitoring and maintenance;

Mitigation Measure 10.5B: Additional Access Requirements. In addition to the EVA provided by the Project, the following additional access features shall be provided:

- a) The turning radius of all streets and cul-de-sacs shall accommodate a fire engine ladder truck and other fire apparatus. This requirement translates to a 60 feet diameter, curb-to-curb width for cul-de-sacs.
- b) No parking shall be permitted along the EVA, and the EVA shall be signed accordingly.
- c) The EVA shall be equipped with a power-operated gate that can be activated by keying of a radio. The EVA gate shall comply with Fire Department standards (including design/operation approval) prior to installation.
- d) A homeowners association shall be established for the Project. This association shall be responsible for regular, on going maintenance and monitoring of the

EVA gate. The Emergency Vehicle Access road shall also be maintained by the homeowners association as a private driveway.

10-23 Figure 10.5 is revised to shown the City of Napa Trails Plan as included in the Napa General Plan. The revised figure is enclosed at the end of this chapter.

10-27 Mitigation Measure 10-9 is amended as follows:

Mitigation Measure 10.9: Development of Adequate Bicycle and Trail Access.

The Napa Oaks Project shall develop a ~~pedestrian and bicycle trail~~ Class II bicycle lane within the Old Sonoma Road right-of-way that allows new residents safe access along the Project frontage and adjacent property right-of-way from the Project entry to Casswall Street. ~~This bicycle lane~~ Such a trail should provide a dedicated 5-foot wide striped and paved bicycle lane on the south side of Old Sonoma Road along the Project frontage near the proposed EVA access road, and between the Project entry road and Casswall Street.

11-2 The following policy LU-1.4 is added to the Policy Setting section

LU-1.4 The City shall recognize the importance of historic properties, districts and aesthetic resources as contributors to the City's identity.

11-9 Mitigation Measure 11-1B is amended as follows to provide for a homeowners association as the responsible party for maintenance of the oak woodlands preservation and creation areas.

Mitigation Measure 11-1 B: Oak Woodland Habitat Preservation and Creation.

To compensate for the loss of oak woodland habitat, the Project shall implement a plan to provide for both the permanent protection of comparable oak woodland habitat and the creation of new habitat. This plan shall be based upon the following performance guidelines:

- a) The Project shall provide for the permanent preservation of off-site, undisturbed oak woodland habitat through the use of conservation easements or other similar mechanism. The area of habitat to be preserved shall be proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development.
- b) The Project shall also provide for the onsite creation of replacement oak woodland habitat by planting new oak trees and supporting habitat. The area of land to be planted as new oak woodland shall be in a non-fragmented configuration, proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development, and shall be placed under a conservation easement as permanent open space. The conservation easement shall prohibit grading, except minor grading at the edge of the easement area to conform to final project grading, and any minor grading recommended as part of the habitat creation plan to improve initial planting viability.
- c) In order to ensure that new oak trees planted under b) above survive to proportionally replace oak woodland habitat lost, the Project shall plant three

new oak trees for every tree removed as a result of development (3:1 ratio). New oak trees shall be a combination of liners, 1-gallon, and 5-gallon specimens, and should be planted in such a manner as to mimic the tree canopy and density of the removed trees.

- d) A homeowners association ~~or other similar acceptable City approved mechanism~~ shall be established to provide for the management and maintenance of all areas placed under conservation easements, including the new oak woodland to be planted, the off-site oak woodlands preservation area, and for the maintenance and management of habitat areas and other Project open space areas ~~where existing trees and steep slopes are to be preserved. placed within conservation easements.~~
- e) The habitat creation plan shall be prepared by a certified arborist and include a detailed planting plan for the onsite oak woodland replacement habitat. The planting plan shall describe the species composition and density of the oak woodland habitat to be removed, detail the areas of proposed planting on an appropriate base map, and list the number and species to be planted in both the canopy and understory zones. The plan should also address the planting substrate and provide any recommendations necessary to make the designated areas suitable for planting. The plan shall be submitted to and approved by the City of Napa prior to approval of the Tentative Map.
- f) The habitat creation plan shall also include a maintenance and monitoring plan that describes specific maintenance and monitoring procedures for both existing retained oak woodlands and new plantings. This plan shall provide performance standards and a contingency plan should the plantings not meet the performance standards. The recommended period for monitoring is ten years following implementation. Annual monitoring reports should be provided to the City of Napa for review. The plan must identify how the maintenance and monitoring will be funded during the monitoring period and beyond the monitoring period, if necessary.

11-9 Mitigation Measure 11.1C is amended as follows:

Mitigation Measure 11.1 C: Conservation Easements. The Project shall provide a conservation easement that shall preclude the loss of any native trees within the easement area and retain the natural appearance of the conservation area. The conservation easement shall:

- a) prohibit property line fences or other fencing,
- b) prohibit tree cutting or pruning without first obtaining an arborist report identifying the reasons and conditions necessitating tree removal, and without the review and approval by the Tree Advisory Commission (subject to appeal to the City Council),
- c) prohibit any structures, ornamental gardens, etc.
- d) A homeowners association or other similar entity acceptable to the City shall be established to accept these conservation easements, and to provide for on-going management and maintenance responsibility.

11-23 Figure 11.9 is revised and replaced with the more accurate visual simulation provided by the applicant. This revised figure is located at the end of this chapter.

11-24 The following text has been added to end of Mitigation Measure 11-3 D:

A homeowners association shall be established to provide for ongoing monitoring and maintenance of the Agricultural Buffer area.

11-25 A new mitigation measure is added to the EIR, as provided for below. This new mitigation measure serves to clarify the intent of the Project Description, and does not constitute substantial new information. The project applicant is in agreement with this additional measure.

Mitigation Measure 11-3E: Water Tank Screening. The Project applicant shall develop a detailed landscaping plan for the water tank site that provides for a natural edge treatment emphasizing native oaks to conceal the tank while blending in with the natural vegetation and open space characteristics of adjacent agricultural lands. Final design review of the water tank and water tank landscaping plan shall occur prior to Final Map approval. Requirements for the water tank design shall include:

- a) the water tank should be painted a dark green or other natural color to blend in with surrounding vegetation, and
- b) landscaping of the water tank site shall provide for screening of the tank structure from views from Congress Valley, with an emphasis on native oak plantings, but providing a mix of faster growing species as well.

11-30 Mitigation Measure 11-5A is amended as follows:

Mitigation Measure 11-5A: Non-Reflective Surfaces. The following standard Mitigation measures as contained in City Policy Resolution 27 related to lighting and glare, and the following measures of the Napa City Code would reduce visual impacts:

13-3 The following text has been added prior to Impacts and Mitigation Measures discussion:

Policy Setting

LU-1.4 The City shall recognize the importance of historic properties, districts and aesthetic resources as contributors to the city's identity.

13-4 Mitigation Measure 13-1 is amended as follows:

Mitigation Measure 13-1: Cultural Resource Discovery Procedures. If any cultural artifacts are encountered during grading or construction, all work in the vicinity shall immediately be discontinued until a qualified archaeologist is obtained by the City of Napa to evaluate the findings.

- a) Consistent with the City of Napa Policy Resolution No. 27, the archaeologist

shall determine if the finding is an important archaeological resource. If so, the archaeologist shall provide mitigation measures to be implemented by the developer, who must comply with all mitigation recommendations of the archaeologist prior to commencing work in the vicinity of the archaeological finds. All other procedures shall comply with Appendix K of the California Environmental Quality Act Guidelines.

- b) In the event of any discovery of human remains during grading or construction, all work shall be halted in the vicinity and the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required, and determine if the remains are of Native American origin. If such remains are of Native American origin, the nearest tribal relatives as determined by the state Native American Heritage Commission shall be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.
- c) During construction it will be necessary to watch for the appearance of cultural materials that may be discovered during earth moving activities. These materials may include, but are not limited to, bone, obsidian flakes, shell, darkened soil, charred material or carved stone. Other types of cultural material may consist of bottles, colored glass, buttons, metal fragments, nails, brick or other building debris, ceramic shards or features such as privy pits hearths or building foundations. Should archaeological remains or significant cultural material be found, construction should stop immediately and a qualified archaeologist called out to examine the finds and evaluate their potential importance.

13-4 The following text is added to the discussion under Impact 13-2:

Mr. Donald Napoli, Ph.D., of Historic Preservation Planning has conducted a detailed analysis of the on-site structures. This analysis was conducted according to the State of California Resources Agency criteria to determine the eligibility of any existing structures for listing in the National or California Registers of Historic Structures. This analysis concludes that the one on-site structure that has potential to be considered as historic--the existing stable/barn--actually lacks historical and architectural significance. He states: "It appears to have been put up around 1955 as a replacement for an earlier structure at its location. Barns of this type are familiar in the Napa area, and many examples from the nineteenth and early twentieth century remain. It is possible that the building was extensively remodeled in the 1950s and is actually much older. If so, it probably dates to the tenure of Charles Buck, who owned the property from around 1910 to the late 1930s. Even if that were true, the present appearance reflects a later occupancy, that of Arthur and Dorothy Chipmen, who acquired the property in the early 1950's. The stable thus has only weak links to the Napa Valley's agricultural past and illustrates no important innovation in barn design. For these reasons the stable appears ineligible for listing in the National or California Registers. It is therefore not considered a significant cultural resource."

NAPA OAKS SUBDIVISION EIR

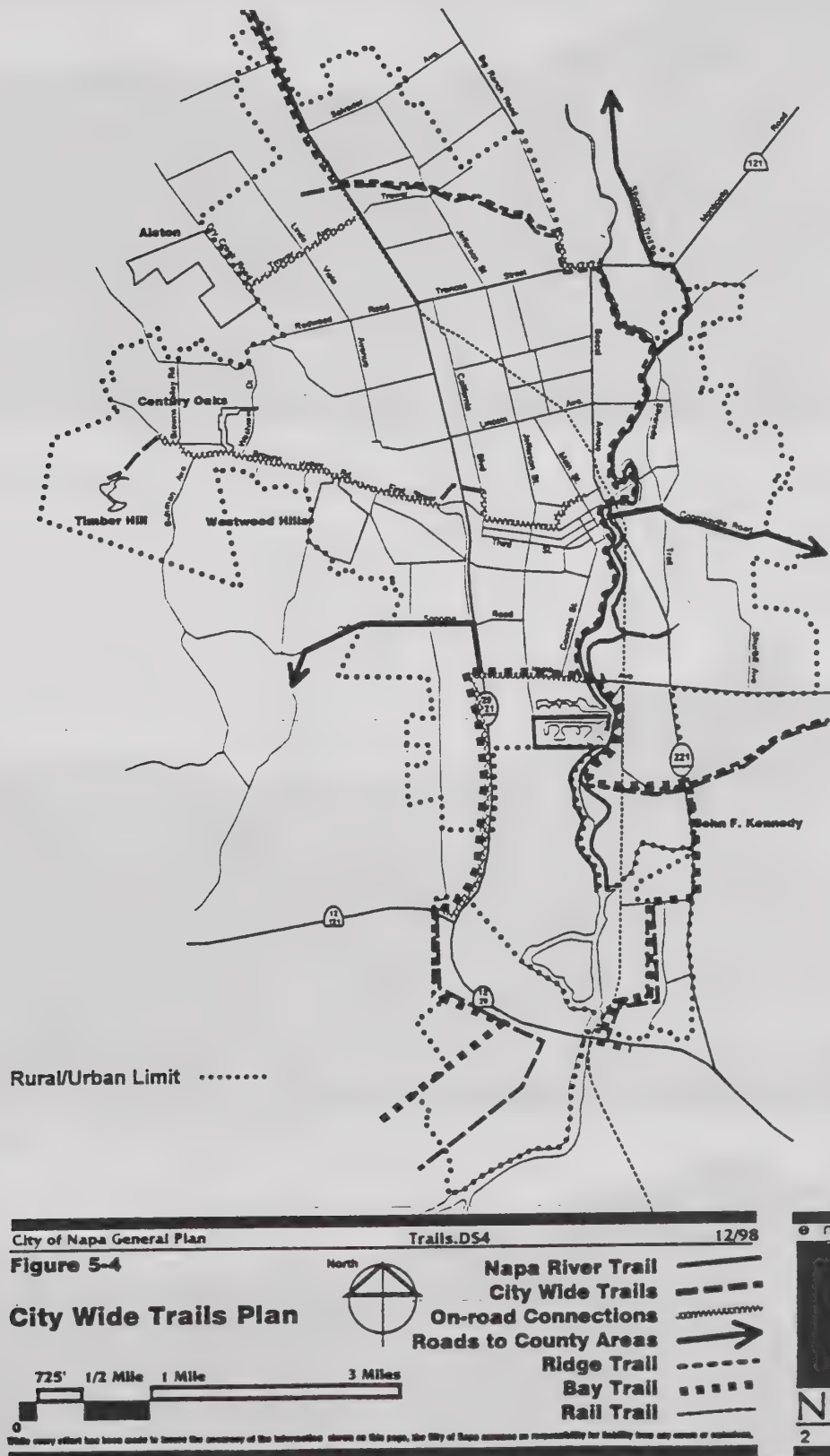


Figure 10.5
City of Napa Trails Plan



NAPA OAKS SUBDIVISION EIR



EXISTING

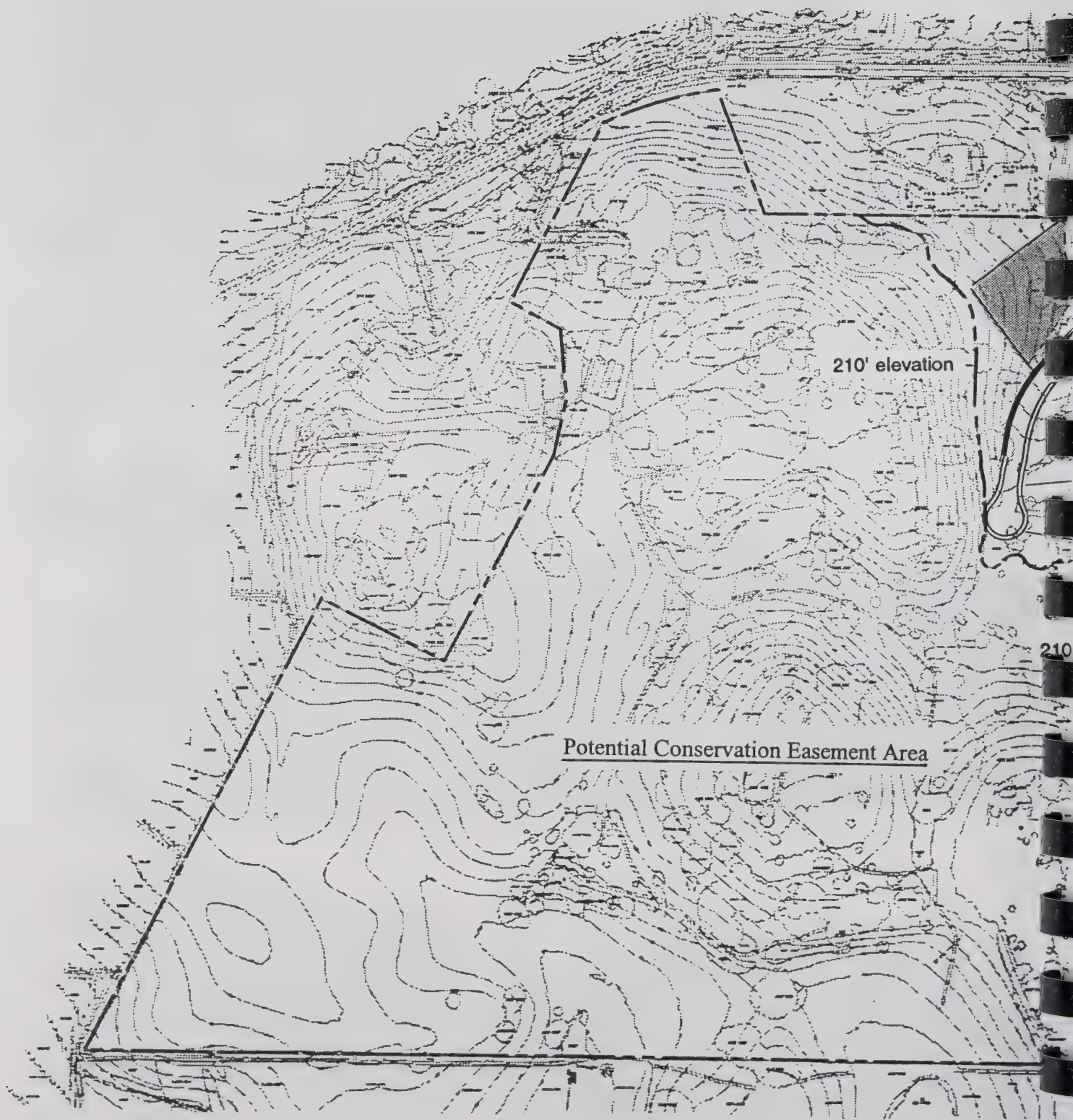


PROPOSED DEVELOPMENT



LOPMENT IN 5-7 YEARS WITH LANDSCAPING

Figure 11.9
Existing and Simulated
Project Views: Old
Sonoma Road at Congress
Valley Road, Looking East



Potential Conservation Easement Area

210' elevation

210

NAPA OAKS SUBDIVISION EIR



EXPLANATION



Lots below elevation 210'

100 200 300 400 Feet



Figure 14.1
“RA” General Plan Designation
Alternative

Mitigation Measure 7-4: Provide a Bike Lane on Old Sonoma Road.

Mitigation Measure 10-5 B: Additional Access Requirements

Mitigation Measure 3.1 A: Geologic S

Mitigation Measure 3.3 D: Retaining Structures.

Condition of Approval 2-4: Compliance With Hillside Development Guidelines.

Reducing extensive cut slopes

Mitigation Measure 2.6 A: "Feathering" of Densities

Mitigation Measure 11.5D: Natural Appearing Agricultural Buffer Landscape Program.

Mitigation Measure 4-2.B: Oak Woodland Habitat:

preserve more oak woodland habitat

provide new planting of oak woodland habitat,

reducing the area of oak woodland habitat to be removed within the Project site to an amount equivalent to ~~one~~ third of the area of oak woodland habitat that can be preserved through conservation easements, and ~~or provided through an~~ equivalent area of on-site planting of new oak woodland habitat.

Mitigation Measure 11.5A: Eliminate Propos
Along the Southern Boundary

Mitigation Measure 4-4A: Re-create Affected Wetland Habitat.

NAPA OAKS SUBDIVISION EIR

Mitigation Measure 9-1: Old Sonoma Road Noise Barrier.

Mitigation Measure 11.6 A: Reduce Scale of homes
Adjacent to Casswall Neighborhood.

Mitigation Measure 6.1: Provide a detention storage
facilities

Mitigation Measure 3.3 A: Landslide Repair.

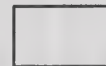
Mitigation Measure 3.4 A: Debris Barriers.

Condition of Approval 2-1: Clustering of Development.

Property boundary

Slope

EXPLANATION:



Development Areas



Conservation Easements



New Oak Woodland Plantings

100 200 300 400 Feet



Figure 14.3
Mitigated Alternative

Table S-1: Summary Table of Project Impacts and Mitigation Measures

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
LAND USE AND PLANNING POLICY			
Potential Inconsistency 2-1: Inconsistency with the City of Napa General Plan. The density of the proposed Project is inconsistent with the RA - Resource Area designation for 78 acres of the site. If the City chooses to approve the proposed GPA to change the land use designation for 78 acres from Resource Area to Single Family Residential, the Project <i>in its entirety</i> may still not be consistent with several General Plan policies in that the proposed layout does not cluster development in such a way as to avoid significant habitat areas and steep slopes (slopes in excess of 15 percent) which could minimize the overall grading and re-contouring of the hillside property.	<i>potentially inconsistent</i>	Condition of Approval 2-1A: Clustering of Development. To reduce the Project's impact on the unique natural hillside setting of the Napa Oaks site at the edge of the RUL, the Project shall further cluster proposed development and/or reduce the number of lots within the proposed subdivision in order to avoid development along steep slopes (particularly in areas in excess of 30 percent slope), in scenic areas, wetlands and oak woodland habitat. [A Project alternative designed to avoid such areas is described and conceptually illustrated in Chapter 14 - Alternatives, Mitigated Site Plan]. Condition of Approval 2.1B: Neighborhood Character. To address policies related to neighborhood character, the Project shall implement the visual impacts the homes on lots 82, 83 and 85 adjacent to existing homes, Mitigation Measures 11-6 <u>11.4A</u> and <u>11.4B</u> to reduce the scale of <u>and to reduce the heights of homes on lots 75 through 80.</u>	<i>If a General Plan amendment is approved, the Conditions of Approval require significant project modifications.</i>
Potential Inconsistency 2-2: Inconsistency with Zoning. Zoning implements the General Plan and is to be consistent with the General Plan. If the City chooses to approve the applicant's request to change the General Plan back to the prior "SFR Single Family Residential" and use designation for the site, the applicable standards and regulations that would apply to the site would also revert to the ED-1 Estate Zoning District. The proposed Project, while meeting most ED-1 Estate Zoning District Standards, is inconsistent with the ED-1 District's permitted density, which would allow a maximum density of one dwelling unit per acre on the 78 acre portion, or 78 dwelling units total. The applicant proposes 79 units for this area, which is one unit over the allowed density under the ED-1 zoning for this District, and proposed varied lot sizes from 14,924 square feet to more than 3 acres	<i>potentially inconsistent</i>	Condition of Approval 2-2: Consistency with Zoning. If the City were to approve the requested General Plan Amendment, the applicable zoning for the 78-acre portion of the site would be ED-1 zoning. Under this zoning designation, the Project would be required to reduce the number of proposed units within this 78 acre area by a minimum of one unit to comply with the maximum density allowed under the underlying ED-1 zoning district.	<i>If a General Plan amendment is approved, the Condition of Approval can mitigate to a less than significant level.</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
in size. The applicant's request include a PD Planned Development zoning application that would allow for varied lot sizes but would not permit an increase in density.			
Potential Inconsistency 2-3: Inconsistency with the Hillside Overlay District. The proposed Project is consistent or compatible with <u>some of many of</u> the City of Napa's Hillside Overlay District guidelines, but not consistent or compatible with <u>other parts of all of</u> the guidelines of this zoning district, particularly in regard to minimizing grading in hillside areas.	<i>potentially inconsistent</i>	Condition of Approval 2-3: Compliance With Hillside Development Guidelines. The Project shall incorporate the following planning and design considerations (<u>summarized from the text of the Draft EIR</u>): a. Minimize grading by reducing the extensive cut slopes proposed on Lots #20 through #25, avoiding the extensive fill of existing topography as proposed on Lots #33 through #39 by removing them from the Project, minimizing proposed cut and fill at Lots #45 through #49 by placing homes at approximately existing grade, and removing Lot #72. b. New contours should be more natural in appearance and not result in stepped benches or artificially regular slope grades. c. Clustering lots to avoid removal of native oak trees on the site, capable of reducing the area of oak woodland habitat to be removed within the Project site to an amount equivalent to one-third of the area of oak woodland habitat that can be preserved through conservation easements, and or provided through an equivalent area of on-site planting of new oak woodland habitat. d. Reducing front setbacks e. Reducing building heights to 24 feet on those lots which are shown to protrude into the silhouette of the ridgeline.	<i>If a General Plan amendment is approved, the Condition of Approval requires significant project modifications.</i>
Impact 2-4: Loss of Agricultural Lands. The Project would result in conversion of open space lands currently used for cattle grazing to urban residential uses. However, the Project would not result in loss of "prime farmland", "unique farmland", or "farmlands of statewide significance".	<i>Less than significant</i>	None needed.	<i>Less than significant</i>
Impact 2-5: Conflicts with Agricultural Uses at the Urban/Rural Interface. The proposed Project would result in conversion of open space to urban residential uses adjacent to existing	<i>Potentially significant</i>	Mitigation Measure 2-5A: Feathering of Density. The Project proposes a progression of smaller to larger lots from the urban core to the RUL edge. However, a number of lots within the southwestern portion of the site should be further increased in size to transition with	<i>Less than significant</i>

Potential Impact and Level of Significance:	Mitigation Measures and Resulting Level of Significance:
agricultural operations to the south and west. Introduction of residents to the Project area could result in pressures on adjacent farmers to reduce pesticide and fertilizer use, dust generation, odors (chemical spray drift), noise and other agricultural activities potentially considered to be a nuisance by future residents. In addition, trespass, theft and vandalism of vineyard operations could increase as a result of introduction of new populations adjacent to existing agricultural operations.	the 1- to 2-acre lots to the west of the Project area, in unincorporated areas of Napa County. The Project should redesign the layout of residential lots on the western RUL edge to maximize a "feathering" effect (from low density to higher densities) from the RUL edge to the interior and eastern portions of the proposed residential development. This could be accomplished if the Project met the minimum lot size of the ED-1 zoning district (1-acre lots), particularly on the western RUL edge. An example of such an alternative is depicted in the Alternatives Chapter, Figure 14.2. The Project could accomplish this by reducing the number of lots on the southwestern RUL edge, as depicted in Figures 14.1 and 14.3. See Chapter 14: Alternatives, for discussions of the "Mitigated Project Alternative" and the "Resource Area" Alternative. Mitigation Measure 2-5B: Final Design of Agricultural Buffer Fence. The proposed Agricultural Buffer shall undergo separate final architectural review prior to Final Map approval, and may be conditioned to require that fencing, landscaping and other proposed improvements along the RUL edge be designed to further minimize the potential for trespassing on adjacent vineyards. <u>The design of the fence shall have no openings unless required by City departments for access, and of a height and design to strongly discourage climbing, while also providing an attractive design.</u> Condition of Approval 2-5C: Right to Farm. The Project shall be conditioned to require that all deeds to future lots within the Project site include a "Right to Farm" notice as described in Section 17.60.090 (CR-7 District) of the Napa Municipal Code. The deed restriction will make explicit that agricultural operations in compliance with applicable laws are not subject to control or regulation in response to residential complaints. Although this ordinance technically protects farmers from complaints, it would not eliminate the potential nuisance of receiving or responding to complaints. Likewise, this alone would not prevent possible incidences of trespass by new residents. Condition of Approval 2-5D: Agricultural Buffer. The Project shall be conditioned to provide an agricultural buffer of not less than 80 feet in width from the property line adjoining the RUL on the main, 78-acre

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		parcel. This buffer is included in the Project Description as proposed. Included within this buffer shall be a minimum of 15 feet of landscaping to establish a clear boundary between residences and adjacent agricultural uses, and other provisions of the CR-7 agricultural buffer zoning overlay shall apply to this portion of the site. a) <u>When the final agricultural buffer landscaping plans are being prepared, the applicant shall consult with the UC Cooperative Extension Service to identify and avoid potentially problematic plants associated with Pierce's disease near vineyard areas.</u> b) <u>A homeowners association shall be established to accept a conservation easement that shall be established for the Agricultural Buffers, and to provide for on-going management and maintenance responsibility of the Agricultural Buffer.</u> Condition of Approval 2-5E: Dispute Resolution and Agricultural Liaison Officer. If a Homeowners Association or other similar organization is established for the Napa Oaks development, such association should designate a Homeowners Association Officer to be a liaison between homeowners and adjacent agricultural interests. This officer will provide dispute resolution if significant urban-rural conflicts arise.	
GEOLOGICAL IMPACTS			
Impact 3-1: Fault Rupture and Shearing. While the likelihood of ground fault rupture is judged to be low, displacement along the fault traces could be as much as 1 foot or more and could affect roads and utilities.	<i>potentially significant</i>	Mitigation Measure 3-1 A: Geologic Setback. The subdivision layout shall adhere to the geologic setback zones recommended by Phoenix (1994 and 1998). Mitigation Measure 3-1 B: Utilities Within the Geologic Setback. For utilities in geologic setback zones, design pipelines and connections that are flexible and will accommodate movement without failure due to ground fault rupture, and/or incorporate use of automatic shut-off valves where pipe damage is a potential.	<i>mitigated to less than significant</i>
Impact 3-2: Seismic Shaking. The proposed Project would be subject to strong to severe ground shaking due to earthquakes on nearby active faults. Seismic ground shaking could damage structures and infrastructure at the site.	<i>potentially significant</i>	Mitigation Measure 3-2A: UBC Design Criteria. Require that the design and construction of all structures and earthworks conform to the applicable seismic provisions of the most recent standards of the Uniform Building Code (UBC).	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		<u>Mitigation Measure 3.2B: Water Tank Design Criteria.</u> The water tank site is located within seismic zone 4 and therefore the most restrictive design criteria in regards to seismic forces shall be used in the design of the tank. The design and construction of the welded steel water tank shall conform to the following criteria: a) <u>Design shall be per the most recent standards of the Uniform Building Code (UBC) and the American Water Works Association (AWWA) D100.</u> b) <u>The design shall be prepared by a registered professional engineer with experience designing similar structures within seismic zone 4</u> c) <u>A ground supported flat bottom tank with positive anchorage between the tank and the ringwall foundation shall be used in order to reduce the effects of seismic shaking.</u> d) <u>Flexible joints shall be installed on all tank inlet, outlet, and overflow piping.</u> e) <u>The drainage system at the tank site shall be designed to accommodate potential leakage from the tank or pipeline and shall be directed to the storm drainage system on Old Sonoma Road.</u>	
Impact 3-3: Slope Failure and Landsliding. Several landslides have been mapped at the site and have the potential to adversely impact the proposed development areas or offsite areas.	<i>potentially significant</i>	Mitigation Measure 3-3 A: Landslide Repair. The landslide on Lot 79 should be repaired by removing all or part of the landslide and rebuilding the slope as a compacted, engineered fill with subdrainage. Mitigation Measure 3-3 B: Retaining Structures. A new retaining wall or other adequate retaining structure shall be placed at the back of Lots 17 and 18 to protect these properties from landslide debris should the existing wall fail. Condition of Approval 3.3 C: Landslide Investigation, Repair Plan, and Report. As required by the Universal Building Code (UBC) and the City of Napa (Municipal Code Section 16.36.200), existing landslides that could endanger the proposed Project or adjacent areas shall be investigated and a Soils Investigation/Geotechnical Report prepared. This report shall include conclusions regarding the geologic and geotechnical conditions at the site and recommendations for necessary corrective measures. a) In particular, the landslide present on Lot 19 shall be explored as	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		necessary and recommendations made for its repair. The landslide in the swale area below the water tank access road shall be investigated to determine subsurface conditions within this area. The road embankment and underlying landslide shall be re-constructed as necessary according to the recommendations resulting from this investigation. b) An engineering geologist shall inspect all landslide removals and buttress excavations during construction to confirm that the excavations have removed the landslide and that engineered fills are founded in stable materials. c) All Project-related grading, trenching, backfilling, and compaction shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications. d) <u>A homeowners association shall be established to provide for the on-going monitoring of landslide repairs within any areas under conservation easement, and for any necessary maintenance and additional remediation of landslide areas or areas with slope instability following Project construction.</u>	
Impact 3-4: Soil Sloughs and Rock Falls. Soil sloughs and rock falls originating on the high, steep slopes above Lots 52 through 60 pose a potential severe hazard to structures and inhabitants located at the base of these slopes.	<i>potentially significant</i>	Mitigation Measure 3.4 A: Debris Barriers. Debris barriers, catchment walls or other suitable devices, designed and constructed in conformance with the UBC and City of Napa Public Works Department Standard Specifications, shall be placed across the base of the slopes between Lots 52 through 60. The debris barriers should be incorporated into the rear yard fencing and retaining walls to reduce visual impacts. Between Lots 52 and 54, a cut slope bench could be placed as an alternate to a debris barrier. Use of a catchment wall or debris barrier above the main roadway below Lots 2 to 5 should also be considered to intercept potential shallow debris flows and rock falls. <u>A homeowners association shall be established to provide for the on-going monitoring of any debris barriers located within areas under conservation easements, and for any necessary maintenance and removal of debris following Project construction.</u> Mitigation Measure 3-4 B: Rock Removal. Loose, surface rocks larger than 6 inches and boulders lying on the steeply inclined downslope portions of Lots 2 to 5 should be removed to reduce rock fall hazards.	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		Mitigation Measure 3-4 C: Routing of Runoff. All concentrated runoff from down spouts, paved areas or drainage swales shall be collected and discharged into the storm drainage system. Concentrated runoff shall not be allowed to flow over slopes. This mitigation applies to all lots as a mitigation measure to reduce erosion, however, it is particularly critical for upslope Lots 3 to 5, 14 and 61 to 63 to minimize the risk of soil sloughs and rock falls.	
Impact 3.5: Stability of Graded Slopes. From a geotechnical perspective, the proposed grading could result in significant adverse impacts related to cut slope stability, fill settlement and stability, and erosion.	<i>potentially significant</i>	Mitigation Measure 3-5 A: Testing and Inspection. The Project engineering geologist and geotechnical engineer shall be present to inspect and test all Project grading and construction of remedial measures in areas with steep slopes and/or high potential for erosion. Grading and construction of remedial measures shall comply with the requirements of the UBC and local grading ordinances. Geologic and geotechnical inspections shall include: a) geologic observation and mapping of excavations for repair of unstable areas. This shall include inspection and approval of the locations, excavation depths and limits of all buttress fills. All subgrade keyways, benches, and other subexcavations must be inspected and approved before placing compacted fill or other stabilizing structures, b) geologic observation, mapping and approval of all rock and soil cut slopes., c) geotechnical inspection of all subsurface drainage in keyways, benches, colluvium-filled swales, and other areas, d) geotechnical inspection and testing of all engineered fills, buttress fills, and landslide repairs. Geotechnical site inspection and testing shall be continuous every day during major grading operations, and e) geotechnical inspection and approval of all foundation excavations for retaining walls and buildings. Mitigation Measure 3-5 B: As-Built Geologic Mapping. Require that "as-built" geologic mapping be prepared by the Project geotechnical consultant. Mitigation Measure 3-5 C: Additional Review. Because of the special expertise required to evaluate geologic hazards and geotechnical engineering mitigation, the City shall conduct a final	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		geotechnical peer review prior to approving the Final Map. This geotechnical review should be conducted in the context of this EIR and the present development plan (the geotechnical reviewer shall review proposed plans to verify that EIR-recommended mitigation measures have been suitably incorporated into Project plans). The geotechnical review shall cover all geotechnical aspects of the Project with particular emphasis on mitigation of fill settlement, debris flow and rock fall hazards, landslide hazards and overall slope stability.	
Impact 3-6: Settlement and Differential Settlement. Potential impacts due to settlement and differential settlement would be significant where new fills are constructed over the existing compressible loose, uncompacted fills.	<i>potentially significant</i>	Mitigation Measure 3-6 A: Fill Slope Design. Prior to placing new fills, all of the loose uncompacted fills in the valley areas and all soft, weak compressible soils in swale areas should be excavated to firm materials. Grade should be restored with compacted fill placed under the inspection and testing of the Project geotechnical engineer. The compacted fill should be keyed into firm rock and include a system of subdrains as recommended by the Project geotechnical engineer Mitigation Measure 3-6 B: Over-Excavation and Compaction. For lots where there is a transition from cut to fill, a zone of overexcavation of rock and replacement with compacted fill shall be used to create a more uniform foundation support and reduce differential settlement. Differential settlement shall be further reduced by compacting deep fills to a higher than normal relative compaction of 92 to 93 percent relative compaction. (A relative compaction of 90 percent is considered normal for engineered fills). Mitigation Measure 3-6 C: Foundation Design. To minimize the impacts of differential fill settlement on structures, specially designed rigid foundations resistant to differential movement should be used. Mitigation Measure 3-6 D: No Oversize Materials. The use of excessive amounts of oversize material in fills should be avoided. The geotechnical engineer shall specify the processing requirements to render oversize materials suitable for use in fills and shall monitor special handling and compaction where oversize materials are used.	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 3-7: Unstable Cut Slopes. Proposed cut slopes could be unstable if marginal rock conditions are encountered over significant areas of the cut. Unstable cut slopes over Lots 19 through 26 and in other proposed cut slope areas would be a potentially significant impact.	<i>potentially significant</i>	Mitigation Measure 3-7 A: Cut Slopes. Cut slopes should generally be designed at a ratio of 2:1 horizontal to vertical. Mitigation Measure 3-7 B: Cut Slope Design at Sensitive Locations. The Project geologist shall specifically inspect and evaluate the rock conditions exposed in the 50-foot cut slope over Lots 19 to 26. If adverse rock conditions are encountered, the Project geotechnical engineer shall modify the cut slope design to provide for adequate long-term stability of this cut slope. a) A mid-slope bench shall be installed across the 50-foot cut slope to provide catchment for sloughing and raveling slope material and to reduce erosion potential on the lower portions of the cut slope. b) Unstable geologic conditions may be exposed during grading of other cut rock or soil slopes, possibly even in areas where proposed slopes are inclined at 2:1. Therefore, the Project engineering geologist must inspect all cut slopes, confirm slope stability, and provide written documentation that slope inclinations are suitable for the observed conditions. c) Where unstable geologic conditions are exposed during grading, a compacted fill buttress (a thick section of compacted fill with subdrainage) shall be constructed across the unstable slope face to effectively stabilize the slope. Construct such buttresses at the planned development grades such that the final slope configuration is unaffected and no significant additional impacts are generated. d) The Project engineering geologist and geotechnical engineer shall document all unstable geologic conditions, formulate an appropriate design for repairs of this type and submit to the City for review and approval prior to constructing repairs.	<i>mitigated to less than significant</i>
Impact 3-8: Improper Drainage. Site grading and construction of subdivision improvements and buildings will concentrate surface runoff. Improperly controlled drainage could cause erosion, contribute to slope instability, and cause sedimentation during construction.	<i>potentially significant</i>	Mitigation Measure 3-8A: Provide for Appropriate Routing of Drainage. The Project shall be designed to appropriately route drainage away from geologically sensitive areas using the following techniques: a) intercept runoff from slopes above development areas using concrete lined V-ditches, b) incorporate an intermediate drainage terrace for slopes over 25	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		feet in height, c) install concrete-lined V-ditches along the top of major cut slopes and on slope terraces, d) use jute netting and hydroseeding on cut and fill slopes to control erosion, and e) collect and convey all surface drainage and concentrated drainage from roofs, paved areas, and other graded areas downslope in closed pipe to the storm drain system. Mitigation Measure 3-8 B: Erosion Control Plan. Minimize wind and water erosion of graded soils and rock surfaces during construction by employing the following measures: a) submit an erosion control plan prior to approval of a Final Map or grading permit, whichever is first, b) restrict substantial grading to the summer construction season (typically April 15 to October 15), c) use water bars, temporary swales and culverts, mulch and jute netting, silt fences, straw bales, and sediment traps to prevent surface water from eroding soil from graded areas and carrying sediment to the valleys and increasing sedimentation of creeks and drainageways. d) use these and other methods as outlined in the <i>California Storm Water Best Management Practice Handbook, Construction Activity</i>, and e) require monitoring, inspecting, and documenting the effectiveness of the erosion control measures by the Project civil and geotechnical engineer. Refine and revise erosion control measures based on monitoring.	
Impact 3-9: Differential Movement of Expansive Soils. Differential movement of expansive soils can cause structural damage to buildings including cracking of foundations and concrete slabs.	<i>potentially significant</i>	Mitigation Measure 3-9A: Avoid Expansive Soils as Fill Material. Avoid using expansive soils as fills within the upper portions of building pads. Where the use of expansive soils cannot be avoided, use drilled piers, stiffened grid or mat foundations that are resistant to expansive soils. To mitigate potential swelling, compact expansive soils wetter than optimum moisture content when used in fills.	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		Mitigation Measure 3-9 B: Site Drainage. Control building site drainage to reduce variation in seasonal wetting and drying of expansive soils.	
BIOLOGICAL IMPACTS			
Impact 4-1: Removal of Annual Grasslands. Development of the Project would result in removal of approximately 31.2 acres of annual grassland vegetation on the Project site.	<i>no impact</i>	None needed	<i>no impact</i>
Impact 4-2: Removal of Coast Live Oak Woodland. Development of the Project would result in removal of approximately 24 acres of coast live oak woodland on the main Napa Oaks Project site and approximately 1.13 acre on the adjacent water tank site.	<i>potentially significant</i>	Mitigation Measure 4-2.A: Follow Tree Preservation Guidelines. All recommendations outlined within the Tree Preservation Guidelines as prepared by HortScience Inc. shall be followed for the water tank site and the primary development site. Tree preservation guidelines specific to the primary development Project shall be prepared and included in the conditions of approval for the Project. Mitigation Measure 4-2.B: Oak Woodland Habitat Preservation and Creation. To compensate for the loss of oak woodland habitat, the Project shall implement a plan to provide for both the permanent protection of comparable oak woodland habitat and the creation of new habitat. This plan shall be based upon the following performance guidelines: a) The Project shall provide for the permanent preservation of off-site, undisturbed oak woodland habitat through the use of conservation easements or other similar mechanism. The area of habitat to be preserved shall be proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development. b) The Project shall also provide for the <u>onsite</u> creation of replacement oak woodland habitat by planting new oak trees <u>and supporting habitat</u>. The area of land to be planted as new oak woodland shall be <u>in a non-fragmented configuration</u>, proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development., <u>and shall be placed under a conservation easement as permanent open space</u>. <u>The conservation easement shall prohibit grading, except minor grading at the edge of the easement area to conform to final</u>	<i>Significant and unavoidable in the short term, but can be mitigated to less than significant in the long term. Would require substantial Project modification.</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		<u>project grading, and any minor grading recommended as part of the habitat creation plan to improve initial planting viability.</u> c) In order to ensure that new oak trees planted under b) above survive to proportionally replace oak woodland habitat lost, the Project shall plant three new oak trees for every tree removed as a result of development (3:1 ratio). New oak trees shall be a combination of liners, 1-gallon, and 5-gallon specimens, and should be planted in such a manner as to mimic the tree canopy and density of the removed trees. d) A homeowners association or other similar acceptable City approved mechanism shall be established to provide for the management and maintenance of <u>all areas placed under conservation easements, including the new oak woodland to be planted, the off-site oak woodlands preservation area, and for the maintenance and management of habitat areas</u> and other Project open space areas where existing trees and steep slopes are to be preserved. placed within conservation easements. e) <u>The habitat creation plan shall be prepared by a certified arborist and include a detailed planting plan for the onsite oak woodland replacement habitat. The planting plan shall describe the species composition and density of the oak woodland habitat to be removed, detail the areas of proposed planting on an appropriate base map, and list the number and species to be planted in both the canopy and understory zones. The plan should also address the planting substrate and provide any recommendations necessary to make the designated areas suitable for planting. The plan shall be submitted to and approved by the City of Napa prior to approval of the Tentative Map.</u> f) <u>The habitat creation plan shall also include a maintenance and monitoring plan that describes specific maintenance and monitoring procedures for both existing retained oak woodlands and new plantings. This plan shall provide performance standards and a contingency plan should the plantings not meet the performance standards. The recommended period for monitoring is ten years following implementation. Annual monitoring reports should be provided to the City of Napa for review. The plan must identify how the maintenance and monitoring will be funded during the monitoring period and beyond the monitoring period.</u>	

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 4-3: Possible Disturbance of Nesting Raptors. Removal of trees in oak woodland areas on the Project site could result in disturbance of nesting raptors or removal or abandonment of active nests.	<i>potentially significant</i>	Mitigation Measure 4-3: Avoid the Buffer Zone During Breeding Season. Prior to construction, both prior to and during the breeding season, a qualified biologist shall conduct surveys to identify potential raptor nests in all suitable nest trees on the Project site. If an occupied nest is found, construction activities shall be avoided within a buffer zone while the nest is occupied by adults and/or nestlings. Once the nestlings have fledged, construction activities may resume within the buffer zone and/or the tree may be removed.	<i>mitigated to less than significant</i>
Impact 4-4: Fill of Seasonal Wetlands, Seasonal Ponds, and Seeps. Development of the Project would result in the fill of 1.14 acres of seasonal wetlands, seasonal ponds and seeps.	<i>significant impact</i>	Mitigation Measure 4-4A: Re-Create Affected Wetland Habitat. A minimum of 1.14 acres of wetland habitat or a <u>minimum 1:1 ratio</u> shall be recreated to compensate for these <u>wetland</u> areas lost. <u>The plan for the creation of this wetland mitigation area shall be approved by the Army Corps of Engineers and signed off by the City prior to approval of the grading plan.</u> This replacement wetland habitat could be provided as seasonal ponds in the designated open space areas and/or possibly within the proposed detention basin; assuming that maintenance activities in the basin are conducive to establishment of wetland vegetation and that storm water runoff can be treated prior to entering the proposed wetland area in the basin. Mitigation Measure 4-54B: Wetlands Mitigation Plan. A Wetlands Mitigation Plan shall be approved by the Army Corps of Engineers and signed off by the City prior to approval of the grading plan. - At a minimum this wetlands mitigation plan shall identify the following goals and objectives; location and size of all areas of fill, location and size of all mitigation areas, planting plans and site preparation specifications, an implementation and monitoring plan, and cost estimates sufficient to cover the cost of implementing and maintaining the wetland. - This Plan shall also identify methods of wetland creation and types of wetland to be created. All mitigation shall occur on-site at a minimum 1:1 ratio, higher mitigation ratios are encouraged. Performance standards shall include criteria for evaluating whether the goals of the Wetland Mitigation Plan are being achieved over time, plant cover values and the provision that the mitigation wetlands be dominated by native species. Noxious weed species shall not compromise more than 10 percent relative	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		cover of the mitigation wetlands. c) <u>A homeowners association shall be established to provide for the management and maintenance of the wetland mitigation site.</u> d) <u>A wetlands maintenance and monitoring plan shall be included as part of the Wetlands Mitigation Plan, describing specific maintenance and monitoring procedures and a contingency plan should the mitigation plantings not meet the performance standards. The recommended period for monitoring is five years following implementation. Annual monitoring reports should be provided to the City of Napa for review. The Mitigation Plan should also include a discussion of how the maintenance and monitoring will be funded during the monitoring period and beyond the monitoring period, if necessary.</u>	
Impact 4-5: Possible Degradation of Aquatic Habitats. Runoff from construction activities could result in the degradation of aquatic habitats associated with Raynes Creek, downstream of the Project site.	<i>potentially significant</i>	Mitigation Measure 4-5A: RWQCB Permits. The applicant shall obtain all required permits from the RWQCB prior to any grading or construction activity. Mitigation Measure 4-5B: Develop a Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan shall be prepared for the Project and specifically address prevention of the release of sediment into Raynes Creek. Best Management Practices shall be implemented for all phases of construction and sediment ponds shall be constructed, as necessary to ensure that off-site flow does not exceed the recommended suspended solid standards established by the Regional Water Quality Control Board.	<i>mitigated to less than significant</i>
WATER AND WASTEWATER			
Impact 5.1: Increased Demand for Water Supplies. The projected water demand resulting from the Project is expected to be about 29,000 gallons per day, or about 32 acre-feet per year. This water demand can be met under the City's currently available supplies.	<i>less than significant</i>	Condition of Approval 5-1A: Conservation Measures. Water conservation measures shall be incorporated into Project design and construction in accordance with applicable codes and ordinances.	<i>less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		Condition of Approval 5-1B: Retro-Fit of Existing Water Fixtures. To assure that the project conforms with water projections as per the City of Napa's Policy Resolution 27 (Standard Mitigation Measures), the Project shall be required to retrofit four (4) existing single family residences with ultra low flow toilets and low flow shower heads for each new residence constructed.	
Impact 5-2: Inadequate Water Pressure and Treated Water Storage. The existing pipelines in the extreme southeastern end of the Browns Valley pressure zone are incapable of providing the City's required fire flow, while maintaining a residual pressure of 25 psi. Additionally, the Browns Valley Pressure Zone is in need of additional treated water storage and/or increased pumping reliability in order to provide adequate additional service within the pressure zone.	<i>potentially significant</i>	Condition of Approval 5-2A: Compliance with Fire Department Special Conditions. The Fire Department's special conditions include: a) the proposed residences will be required to have sprinklers installed, b) the water system will be required to supply 2,000 gpm fire flow at all hydrants, with a minimum residual pressure of 25 psi for a duration of two hours, and c) for all development above elevation 300 feet, the water system must provide a minimum pressure of 50 psi to all building sites, unless pressure requirements are evaluated and waived by the Fire Department. Mitigation Measure 5-2B: Construct a New Water Storage Tank. A new 304,000 gallon reservoir shall be built adjacent to the Project site, with the top of the reservoir at elevation 437 feet. Mitigation Measure 5-2CB: Water Pipe Sizes. All water pipes within the Project shall be 12 inches in diameter within the streets, and 8 inches in diameter within the cul-de-sacs. Mitigation Measure 5-2DC: Pump Station Upgrade. As determined in the City's Water Master Plan, future upgrades to the existing pump stations to increase their reliability will be required. Because the demand for this increased reliability is created by the addition of the proposed Project, the Project shall provide full funding to implement these necessary upgrades. Condition of Approval 5-2ED: Connect to City of Napa Water System. The Project shall be connected to the City of Napa water system, as required by City Policy Resolution No. 27. Any existing well must be properly protected from potential contamination.	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 5-3: Wastewater Treatment Capacity. The average day sewage flow from the subdivision at full development is estimated to be 17, 850 gallons per day (gpd), based on a flow of 210 gpd per dwelling unit. There will be treatment plant capacity available to serve the proposed Project upon completion of NSD's Treatment Plant Upgrade project, scheduled to be completed in January, 2001.	<i>Less than significant</i>	Condition of Approval 5-3: "Will Serve" Letter. The City shall require the Project applicants to obtain a "will serve" letter from the Napa Sanitation District prior to the issuance of building permits to ensure that wastewater flows do not exceed the capacity of the treatment plant.	<i>mitigated to less than significant</i>
Impact 5-4: Inadequate Capacity in Existing Sewer Lines. The existing repaired pipeline within Old Sonoma Road does not have adequate capacity to serve the proposed Project.	<i>potentially significant</i>	Mitigation Measure 5-4: Pipeline Replacement. The Project shall construct approximately 1,500 feet of 10" replacement pipeline in Old Sonoma Road to eliminate the off-site collection system problem. In addition, new sewer pipelines shall to be constructed along the property's Old Sonoma Road frontage west of Lilienthal Street. The Project will be required to install about 1,200 feet of 8" sewer main along Old Sonoma Road.	<i>mitigated to less than significant</i>
Impact 5-5: Construction of Deep Sewer Lines Within a Geologic Setback Zone. The Project proposes to construct sanitary sewer facilities within a geologic setback zone along the Secondary Access Road. These facilities could potentially be damaged as a result of earth movement in the zone.	<i>potentially significant</i>	Mitigation Measure 5-5: High Strength Pipeline. The Project shall use a high strength pipe (Class 150, C900 PVC pipe) for the reach of sewer line within the geologic setback zone. The pipe shall also have proper bedding and backfill and restrained joints. The details for an acceptable design should be addressed at the time of final design and submitted for approval by the District. Condition of Approval 5.5B: Connect to Napa Sanitation District System. As required by City Resolution No. 27, the project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, set backs, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
HYDROLOGY			
Impact 6-1 Increased Runoff Under 100-Year Design Flow Conditions. Development of the Project will result in increased runoff as a result of increased impervious surfaces.	<i>potentially significant</i>	Mitigation Measure 6.1A: Provide No Increase in Peak Flow from Project Area. The Project shall construct and provide for the maintenance of a detention storage basin sized to limit post-Project 100-year flows discharging to Old Sonoma Road, Casswall Street and Raynes Creek to pre-Project conditions. This mitigation measure shall be included in a re-design of the Project to ensure that there be no increase above existing conditions in peak runoff from the Project site. a) The amount of detention storage required on-site to limit the peak 100-year flow to existing conditions is estimated to be about 3.5 acre-feet at the Casswall Street site. The Casswall Street site detention basin should be about an acre in size and be about 5 to 6 feet deep at the maximum point. b) It is estimated that about 1.3 acre-feet of storage volume located along the Raynes Creek drainage course just north of the Project boundary will be needed. The Raynes Creek site detention basin would be about a third of an acre in size and be about 5 to 6 feet deep. c) A berm would need to be constructed at both sites to create the necessary detention storage facility, and the basins would need to be adequately fenced to prevent access to anyone other than maintenance personnel. The berms would have a maximum slope of 3 or 4 feet horizontal to 1-foot vertical to allow for the maintenance of the slopes (and to provide safer egress for maintenance personnel in getting out of the basins). The basin outlets would be sized to control the release to pre-Project flow levels and to drain the basin in about 24 hours. Figure 6.3 shows the proposed drainage pattern and facilities for on-site detention basins. The resulting peak flows with detention are shown in Table 6-3. d) <u>A homeowners association shall be established for the Project. This association shall be responsible for regular, on-going maintenance and up-keep of any concrete swales constructed within lands under conservation easements, any and all drainage diversions structures, and the detention basins.</u> e) Alternatively, the applicant may pursue provision of an off-site detention facility acceptable to the City, including the provision of	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		acceptable maintenance responsibility. An off-site detention basin may be a possible alternative to the Casswall Street basin (see Figure 6.4). An off-site detention facility must maintain pre-Project runoff levels. The potential off-site location is 2,500 feet west of the Project site, south of the Old Sonoma Road overcrossing at Highway 29. This alternative site is currently a school play field. A detention basin could be constructed at this site by excavating the play field to create a multi-purpose facility with the necessary detention storage volume. The estimated volume needed at this site to mitigate for the increased flows is estimated to be about 4 acre-feet. The play field would need to be excavated about 4 feet to create the necessary storage volume. This site could possibly accommodate a larger detention basin that could provide cumulative benefit to others within the downstream watershed. The investigation of a larger facility at this location is beyond the scope of the EIR study. Condition of Approval 6-1B: Stormwater Service Fee. The Project shall pay all applicable City Stormwater System Service Fees, as adopted by the City in 1996.	
Impact 6-2: Water Quality Impacts. Construction activities on the Project site may lead to erosion, which in turn can lead to increased sediment loads in site runoff.	<i>potentially significant</i>	Mitigation Measure 6-2 A: Erosion Control Plan. Under City of Napa Policy Resolution 27 (Standard Mitigation Measures), the developer of the Project site shall prepare an Erosion Control Plan which will include the following elements: a) Grading at the Project site shall be limited to the excavation shown on the Vesting Tentative Subdivision Map. b) During construction, erosion and sediment control measures such as silt fences or straw bales will be used to prevent silt from leaving the site and entering adjoining properties. Silt fences or straw bale barriers shall be installed prior to any grading at the Project site and shall be operable during the rainy season (October 15 to April 15). c) All movement of earth shall comply with the specifications contained in the Napa County <u>City of Napa</u> Grading Ordinance and the Erosion Control Plan. d) Changes to the Erosion and Sediment Control Plan to meet field conditions shall be made only with the approval of (or at the direction of) the Director of Public Works.	<i>potentially significant</i>

Potential Impact and Level of Significance:	Mitigation Measures and Resulting Level of Significance:
	e) Between October 15 and April 15, all paved areas shall be kept clear of earth materials and debris. The Project site shall be maintained so that a minimum of sediment-laden runoff leaves the site. f) During the rainy season (October 15 to April 15), all sediment barriers shall be inspected and repaired at the end of each working day and, in addition, after each storm. g) Seeded areas which are disturbed by storms shall be repaired, reseeded and mulched as soon as possible after being damaged. h) All graded or disturbed areas at the Project site shall be seeded immediately after grading is complete. Mitigation Measure 6-2B: SWPPP. A complete Storm Water Pollution Prevention Plan (SWPPP), as required by the City and the State Regional Water Quality Control Board (RWQCB), shall be completed by the applicant prior to any construction activity. Mitigation Measure 6.2C: Water Quality Enhancement. Pollutant source control measures shall be incorporated into the Project design. Such measures should include: a) Stenciling the drain inlets with "Do Not Pollute" b) Incorporating grease and sediment traps into the design of drain inlets and manholes, c) Providing grass strips or lined swales for overland flow of runoff from paved areas before it enters a piped conveyance facility, and d) The detention basins should be configured to improve the water quality of any runoff from the development. The basins should be a natural setting, incorporating vegetation in the bottom and on the sides. The outlet structure should limit the peak discharge to the pre-Project condition and also control the discharge so the total design volume in the basin is released over a minimum time of 24 hours. In addition, the basin design should incorporate a sediment collection area upstream of the basin to allow for the settling of heavy sediments. e) <u>A homeowners association shall be established for the Project. This association shall be responsible for regular, on-going maintenance and up-keep of the detention basin. The detention basin shall be inspected each summer/fall to identify the need for</u>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		<u>removal of sediments and vegetation. The sediment will likely need to be removed once every two to three years.</u>	
TRAFFIC AND CIRCULATION			
Impact 7-1: Project-Related Traffic Congestion. Traffic generated by the Project, when added to existing traffic levels, would not result in a significant change in level of service at any study intersections.	<i>less than significant</i>	None needed	<i>less than significant</i>
Impact 7-2: Exacerbation of Existing Traffic Congestion. Traffic generated by the Project will contribute traffic volumes to two unsignalized intersections (Imola Avenue/SR 29 Northbound and First Street/SR 29 Northbound) where the minor street volume is operating at LOS F. The increase in the volume to capacity ratio for the intersection with Project traffic is less than 10%.	<i>less than significant Project Impacts, but cumulatively significant</i>	Condition of Approval 7-2: Payment of Street Improvement Fees. Pursuant to City General Plan Implementation Programs T-1.C and T-1.D, the Project shall be required to pay standard Street Improvement Fees designed to fund the construction of street improvements identified in the General Plan that are aimed at resolving capacity, service level and safety problems associated with cumulative local and regional traffic impacts. New traffic signals are planned as part of the Street Improvement program at the intersections of First Street/SR 29 northbound and Imola Avenue/SR 29 northbound.	<i>cumulative impacts mitigated to less than significant.</i>
Impact 7-3: Increased Traffic Volumes on Foster Road. <u>Traffic generated by the Project will add approximately 314 vehicles per day on Foster Road, which already carries more vehicles than prescribed for a residential collector street. The Project's contribution of traffic to this street is projected to result in an increase of more than 9.5% in total traffic volume.</u>	<i>potentially significant impact.</i>	<u>Mitigation Measure 7.3A: Reduction of Project Trips.</u> <u>The Project shall be reduced by one (1) dwelling unit such that the traffic generated by the Project will not result in an increase in traffic levels on Foster Road to the 10 percent increase threshold when conservatively rounded up.</u> <u>Mitigation Measure 7.3B: Traffic Calming.</u> <u>As an alternative to Mitigation Measure 7.3A, the Developer shall obtain approval from the Traffic Advisory Committee to implement certain "traffic calming" strategies on Foster Road in an attempt to alleviate the existing cumulative safety concern, such as additional traffic control signage or reflector buttons, etc. Even with a Project size reduction, this mitigation measure may be required as a condition of approval as indicated in the General Plan.</u>	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 7-4: Lack of Bike Lane on Old Sonoma Road. Old Sonoma Road is shown in the Napa General Plan to have shoulder widening to provide for a Class II bicycle lane. The tentative map for the Project does not include shoulder widening along the frontage of Old Sonoma Road.	<i>potentially significant</i>	Mitigation Measure 7-4; Provide a Bike Lane on Old Sonoma Road. The Project shall provide for shoulder widening as needed, striping, and marking for a Class II bicycle lane on Old Sonoma Road along the Napa Oaks Project frontage south to Casswall Street.	<i>mitigated to less than significant</i>
Impact 7-5: Internal Circulation. The Project includes proposed road grades that exceed 10% slope, which may hamper emergency vehicle access. However, the Napa Fire Department has reviewed the proposed road grades and street widths and determined that the proposed roads are within acceptable standards for emergency access, and that the slope and width (24") of the proposed emergency vehicle access road (EVA) is acceptable, provided that no parking is provided along this roadway. Additionally, the Project's proposed roadway design is consistent with General Plan Hillside Street standards, and provides adequate on-site circulation.	<i>Not an impact</i>	None needed.	<i>No impact</i>
Impact 7-6: Creation of Unsafe Conditions on Existing Roads. Creating a new access point onto Old Sonoma Road could increase the potential for accidents at this intersection. However, the proposed Project access is located so as to provide appropriate sight distance for drivers at Old Sonoma Road, and a separate left-turn lane into the Project site is not warranted.	<i>less than significant</i>	None needed	<i>less than significant</i>
AIR QUALITY			
Impact 8-1: Construction Emissions. The proposed Project would result in air quality impacts due to dust generated by equipment and vehicles operating at the site during construction.	<i>potentially significant</i>	Mitigation Measure 8-1: Construction Dust Control Program. Construction contracts shall require contractors to prepare and implement a construction dust mitigation plan. Based on BAAQMD recommendations, the dust mitigation plan shall include the following, at a minimum: a) Equipment and staffing shall be provided for watering of all	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		exposed or disturbed soil surfaces at least twice daily in dry weather. An appropriate, non-toxic dust palliative or suppressant, added to water before application, should be utilized. b) Unpaved roads and staging and parking areas shall be either paved, watered three times daily, or utilize appropriate, non-toxic soil stabilizers. c) Stockpiles of debris, soil, sand or other loose materials that can be blown by the wind shall be effectively covered, enclosed or watered with a suitable, non-toxic dust palliative. d) Inactive construction areas (previously graded areas inactive for ten days or more) shall be hydroseeded or treated with a non-toxic soil stabilizer. e) All construction area and adjacent streets shall be swept of all mud and debris with water sweepers, since this material can be pulverized and later re-suspended by vehicle traffic. f) Enforcement of a speed limit of 15 miles per hour for all construction vehicles when off pavement. This speed restriction should be incorporated into the construction contract and enforced by the prime contractor. g) Sandbags or other erosion control measures shall be provided to prevent silt runoff to public roadways. h) All earthmoving or other dust-producing activities should be suspended when the above dust control measures are unable to avoid visible dust plumes during periods of high winds (the wind speed at which this will occur will vary depending on moisture conditions on the site, but in any case is required at wind speeds of 25 miles per hour or more).	
Impact 8-2: Project Vehicle Emissions. The estimated emissions associated with Project-generated traffic are well below the threshold of significance.	<i>less than significant</i>	None needed.	<i>less than significant</i>
Impact 8-3: Local Carbon Monoxide Concentrations. The Project would not exceed the BAAQMD recommended threshold of significance of 550 lbs./day.	<i>no impact</i>	None needed.	<i>no impact</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 8-4: Cumulative Air Quality Impacts. Although the proposed Project would contribute to air emissions within the region, the estimated emissions associated with Project-generated traffic are well below the threshold of significance, and the Project's impacts on cumulative air quality would also be considered <i>insignificant</i>	<i>less than significant.</i>	None needed.	<i>less than significant</i>
Impact 8-5: Odor Impacts. Adjacent agricultural (viticulture) operations could expose future Project residents to occasional unpleasant odors and dust.	<i>potentially significant</i>	Mitigation Measure 8-5 A: Agricultural Buffer. The Project shall be conditioned to provide an agricultural buffer of not less than 80 feet in width from the property line adjoining the RUL on the main, 78-acre parcel. This buffer is included in the Project Description as proposed. Included within this buffer shall be a minimum of 15 feet of landscaping to establish a clear boundary between residences and adjacent agricultural uses, and other provisions of the CR-7 agricultural buffer zoning overlay shall apply to this portion of the site. Mitigation Measure 8-5 B: Agricultural Buffer Planting. Within the 80 foot minimum Agricultural Buffer setback provided by the Project, a mixture of trees, shrubs, berms and walls shall be planted and constructed to not only establish a clear boundary between residential and agricultural land uses, but also to filter and trap dust and air-borne odors. Final architectural/design review of the agricultural buffer shall occur prior to Final Map approval. Mitigation Measure 8-5 C: Feathering of Density. The Project proposes a progression of smaller to larger lots from the urban core to the RUL edge. However, a number of lots within the southwestern portion of the site should be further increased in size to transition with the 1- to 2-acre lots to the west of the Project area, in unincorporated areas of Napa County. The Project should redesign the layout of residential lots on the western RUL edge to maximize a "feathering" effect (from low density to higher densities) from the RUL edge to the interior and eastern portions of the proposed residential development. Condition of Approval 8-5 D: Right to Farm. The Project shall be conditioned to require that all deeds to future lots within the Project site include a "Right to Farm" notice as described in Section 17.60.090 (CR-7 District) of the Napa Municipal Code.	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 8-6: Stove and Fireplace Impacts. The proposed Project residences may include stoves and fireplaces, which may contribute adverse levels of particulates during the peak winter season, when violations of the standard for PM ₁₀ have occurred.	<i>potentially cumulative-ly significant</i>	Mitigation Measure 8-6: Stove and Fireplace Inserts. All fireplaces shall include gas inserts, and all stoves shall be required to meet EPA certification.	<i>mitigated to less than significant.</i>
NOISE			
Impact 9-1: Future Traffic Noise. The future traffic noise levels at two of the proposed homes along Old Sonoma Road would be in excess of the "normally acceptable" limits of the City's land use compatibility guidelines.	<i>potentially significant</i>	Mitigation Measure 9-1 A: Construction Methods. Construction of residences within the areas indicated as Lots #1 and #85 (adjacent to Old Sonoma Road) shall provide for sound-rated windows and other sound-rated assemblies that can achieve the City's standard of Ldn 45 dB indoors. Mitigation Measure 9-1 B: Mechanical Ventilation. Since some windows, sliding glass doors and exterior doors would need to be closed to achieve the indoor noise standard, an alternate form of ventilation shall be provided for these homes.	<i>mitigated to less than significant</i>
Impact 9-2: Noise Increase Due to Project-Generated Traffic. The projected increase in future traffic noise levels caused by the Project at existing neighboring residences would not be a noticeable increase.	<i>Not a Project impact</i>	None needed	<i>not an impact</i>
Impact 9-3: Truchard Vineyard Wind Machine Noise. Adjacent agricultural operations would expose most proposed homes to occasional nighttime wind machine noise.	<i>potentially significant impact</i>	Mitigation Measure 9-3 A: Construction Methods. Construction of any residences within the area indicated as Lots #33 through #36 shall provide for sound-rated windows and other sound-rated assemblies that can: a) achieve the City's standard of Ldn 45 dB indoors, and b) achieve a maximum instantaneous noise level of 40dB within bedrooms. If this standard cannot be achieved, homes should <u>shall</u> not be constructed in this area. c) To achieve the above standards throughout the remainder of the Project Area, sound rated windows are also recommended for all homes located in the southeast third of the site, e.g. Lots #22 through #54 and #61 through #72.	<i>mitigated to less than significant, but noticeable. May require Project modification</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		Mitigation Measure 9-3B: Mechanical Ventilation. Since some windows, sliding glass doors and exterior doors would need to be in their closed position to achieve the indoor noise standard, an alternate form of ventilation shall be provided for these homes. Mitigation Measure 9-3 C: Deed Notification. All potential home buyers must be notified of the proximity to the vineyards and that wind machines and agricultural equipment will be occasionally audible.	
Impact 9-4: Truchard Vineyard Tractor Noise. Adjacent agricultural operations would expose proposed homes to tractor noise.	<i>less than significant</i>	None needed.	<i>less than significant</i>
Impact 9-5: Construction Noise. <u>Construction activity will generate substantial sources of temporary noise.</u>	<i><u>Less than significant with standard City mitigation measures</u></i>	<u>Mitigation Measure 9.5: Construction Noise Attenuation.</u> <u>Standard City mitigation measures as contained in City Policy Resolution 27 would apply to construction noise associated with the Project to assure that impacts will be less than significant. These standard measures include:</u> a) <u>Construction activities shall be restricted to certain times pursuant to Napa Municipal Code, Section 8.08.025, which limits construction activity to 7:00 am to 7:00 p.m. Monday through Friday, and 8:00 am to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City manager for additional hours. The ordinance further states that there will be no start up of machines prior to 8:00 am Monday through Friday, no delivery of materials or equipment prior to 7:30 am nor past 5:00 p.m., no cleaning of machines or equipment past 6:00 p.m., and no servicing of equipment past 6:45 p.m.</u> b) <u>Construction equipment must have state of the art muffler systems required by current law. Muffler system shall be properly maintained.</u> c) <u>Noisy stationary construction equipment such as compressors, shall be placed away from developed areas off-site, and/or provided with acoustical shielding.</u> d) <u>Grading and construction equipment shall be shut down when not in use.</u>	<i><u>mitigated to less than significant</u></i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
PUBLIC SERVICES			
Impact 10-1: Increase in Demand for Police Services. The Project would add an estimated 180 to 200 new residents to the Westwood Planning Area. Using the existing officer to resident ratio, this increase would not require the addition of a new officer to the NPD.	<i>no impact</i>	None needed.	<i>no impact</i>
Impact 10-2: Increase in Police Response Times. According to Napa's General Plan, the Project site can be readily served by the existing beat structure and is not expected to increase current response times for priority one calls beyond the five-minute maximum.	<i>no impact</i>	None needed.	<i>no impact</i>
Impact 10-3: Increase in Fire Response Times. The Project would not increase the demand for new services, but could lead to response times that exceed the NFD's service standard.	<i>potentially significant</i>	Mitigation Measure 10-3A: Fire and Paramedic Fees. In accordance with City Policy <u>Resolution 27</u> , the Project will be required to pay required fire and paramedic fees for each new dwelling unit in accordance with the Napa Municipal Code. Mitigation Measure 10-3 B: Fire Suppression Requirements. The Project shall be required to incorporate appropriate fire suppression measures into the design and construction of the Project residences. These measures shall include: a) Fire sprinklers in each new residence. b) All new structures shall be built with fire retardant properties and shall maintain defensible space/clear areas to reduce vegetative fuel. c) Compliance with all applicable requirements of the <i>Uniform Fire Code</i> , the Fire Department and Public Works Department <i>Standard Specifications</i> and the Fire Department's <i>Standard Requirements for Commercial/Residential Projects</i> .	<i>Mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 10-4: Increase in Demand for Fire Services. According to the General Plan and associated EIR, new development within the RUL (including the Project) will increase the number of calls for service and the need for fire personnel. is not expected to increase the need for new NFD staffing beyond the staffing at the three existing fire stations. This increased demand for fire services would not adversely affect fire protection and emergency medical services due to General Plan policies and implementation programs that call for the maintenance of adequate personnel and equipment necessary to provide fire suppression services for the City. The City's Fire and Paramedic Fee is anticipated to be used to equip new Fire Station #4, and this fee is to be updated as necessary to maintain adequate funding for fire and emergency medical services. As required under Condition of Approval 10.3A, the Project will be required to pay applicable Fire and Paramedic Fees, thereby offsetting its contribution to this potential impact. Therefore, the project is not expected to increase the demand for new fire service personnel, and does not create an environmental impact.	<i>no impact</i>	None needed.	<i>no impact</i>
Impact 10-5: Emergency Response. The Project site is situated in a Fire Hazard Area and will require special development conditions to meet the NFD's Uniform Fire Code.	<i>potentially significant</i>	Mitigation Measure 10-5 A: Development Criteria. The Project shall comply with all applicable requirements of the Uniform Fire Code, the Fire Department and Public Works Department Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects". Mitigation Measure 10-5 B: Additional Access Requirements. In addition to the EVA provided by the Project, the following additional access features shall be provided: a) The turning radius of all streets and cul-de-sacs shall accommodate a fire engine ladder truck and other fire apparatus. This requirement translates to a 60 feet diameter, curb-to-curb width for cul-de-sacs.	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		b) No parking shall be permitted along the EVA, and the EVA shall be signed accordingly. c) The EVA shall be equipped with a power-operated gate that can be activated by keying of a radio. The EVA gate shall comply with Fire Department standards (including design/ operation approval) prior to installation. d) <u>A homeowners association shall be established for the Project. This association shall be responsible for regular, on going maintenance and monitoring of the EVA gate. The Emergency Vehicle Access road shall also be maintained by the homeowners association as a private driveway.</u>	
Impact 10-6: Inadequate Water Pressure for Fire Suppression. The proposed Project is situated in a Fire Hazard Area that does not meet water pressure requirements. The City's existing water system cannot deliver adequate pressure for firefighting to sites over 300 feet in elevation. The elevation of the Project site ranges from 70 feet to 332 feet.	<i>potentially significant</i>	Mitigation Measure 10-6: Provision of Adequate Fire Flow. The Project shall be designed to meet the minimum fire flow requirements as established by the NFD. In order to meet this requirement, the Project shall include a new reservoir to be built adjacent to the residential site, with a storage capacity of 304,000 gallons and an elevation at the top of the reservoir tank of 437 feet, as proposed in the Project Description.	<i>mitigated to less than significant</i>
Impact 10-7: Increase in Demand for School Facilities or School Staffing Levels. The Project would generate more students than the NVUSD could accommodate based on existing school capacity. However, this impact would be considered less than significant because overcrowding would not constitute a significant impact on the environment.	<i>less than significant</i>	Condition of Approval 10-7: School Facilities Fees. On January 28, 1998, the State Allocation Board increased School Facilities Fees for residential to \$1.93 per square foot. The Project shall submit fees of \$1.93 per square foot of the new Napa Oaks subdivision in order to mitigate for the addition of 58.1 students to the NVUSD.	<i>less than significant</i>
Impact 10-8: Deficient Neighborhood Park Services. Project residents will generate a demand for recreational services that will exacerbate an already under served park area within the City. This impact would be considered less than significant because increased park demand does not constitute a significant impact on the environment.	<i>less than significant</i>	Condition of Approval 10-8: City Park Fees. Pursuant to the City's fee program, the Project will be required to provide park development and dedication fees.	<i>less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 10-9: Bay Trail and Bicycle Access. The Project will generate new residents that will require access to nearby schools, parks and open space areas within and adjacent to Napa. New residents and children will access these facilities by bicycle or by foot.	<i>potentially significant</i>	Mitigation Measure 10-9: Development of Adequate Bicycle and Trail Access. The Napa Oaks Project shall develop a pedestrian and bicycle trail <u>Class II bicycle lane</u> within the Old Sonoma Road right-of-way that allows new residents safe access along the Project frontage and adjacent property right-of-way from the Project entry to Casswall Street. This bicycle lane <u>Such a trail</u> should provide a dedicated 5-foot wide striped and paved bicycle lane on the south side of Old Sonoma Road along the Project frontage near the proposed EVA access road, and between the Project entry road and Casswall Street.	<i>mitigated to less than significant</i>
Impact 10-10: Increased Energy Usage. The Project will demand increased usage of energy and other non-renewable natural resources in the construction and occupancy of new homes.	<i>potentially significant</i>	Mitigation Measure 10-10A; Waste Removal. During the construction, demolition and renovation period of the Project, Developer shall use the franchised garbage hauler for the service area in which the Project is located to remove all wastes generated during Project development, unless Developer transports such Project waste. Mitigation Measure 10-10B; Recycling Materials. Developer shall provide for the source separation of wood waste for recycling. Mitigation Measure 10-10C; Utilities. Prior to trenching within existing roadway areas, the Developer's Engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems. Mitigation Measure 10-10D; Conservation Measures. Water and energy conservation measures shall be incorporated into Project design and construction in accordance with applicable codes and ordinances.	<i>mitigated to less than significant</i>
VISUAL QUALITY AND OPEN SPACE			
Impact 11.1. Substantial Damage to the Site's Scenic Tree/Woodland Resources. Development of the Project will result in the removal of as many as 312 oak trees that enhance the visual quality and natural characteristics of the site.	<i>potentially significant</i>	Mitigation Measure 11-1 A: Follow Tree Preservation Guidelines. All recommendations outlined within the Tree Preservation Guidelines in the Tree Report for the Project's primary development site and the water tank site shall be followed. Tree preservation guidelines specific to the primary development Project shall be prepared and included in the conditions of approval for the Project.	<i>Short-term significant unavoidable impact, mitigated to less than significant in the long term.</i>

Potential Impact and Level of Significance:	Mitigation Measures and Resulting Level of Significance:
	Mitigation Measure 11-1 B: Oak Woodland Habitat Preservation and Creation. To compensate for the loss of oak woodland habitat, the Project shall implement a plan to provide for both the permanent protection of comparable oak woodland habitat and the creation of new habitat. This plan shall be based upon the following performance guidelines: a) The Project shall provide for the permanent preservation of off-site, undisturbed oak woodland habitat through the use of conservation easements or other similar mechanism. The area of habitat to be preserved shall be proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development. b) The Project shall also provide for the <u>onsite</u> creation of replacement oak woodland habitat by planting new oak trees <u>and supporting habitat</u>. The area of land to be planted as new oak woodland shall be <u>in a non-fragmented configuration</u>, proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development, <u>and shall be placed under a conservation easement as permanent open space</u>. The <u>conservation easement shall prohibit grading, except minor grading at the edge of the easement area to conform to final project grading, and any minor grading recommended as part of the habitat creation plan to improve initial planting viability</u>. c) In order to ensure that new oak trees planted under b) above survive to proportionally replace oak woodland habitat lost, the Project shall plant three new oak trees for every tree removed as a result of development (3:1 ratio). New oak trees shall be a combination of liners, 1-gallon, and 5-gallon specimens, and should be planted in such a manner as to mimic the tree canopy and density of the removed trees. d) A homeowners association or other similar acceptable City approved mechanism shall be established to provide for the management and maintenance of <u>all areas placed under conservation easements, including the new oak woodland to be planted, the off-site oak woodlands preservation area, and for the maintenance and management of habitat areas and other Project open space areas where existing trees and steep slopes are to be preserved.</u> placed within conservation easements.

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		e) <u>The habitat creation plan shall be prepared by a certified arborist and include a detailed planting plan for the onsite oak woodland replacement habitat. The planting plan shall describe the species composition and density of the oak woodland habitat to be removed, detail the areas of proposed planting on an appropriate base map, and list the number and species to be planted in both the canopy and understory zones. The plan should also address the planting substrate and provide any recommendations necessary to make the designated areas suitable for planting. The plan shall be submitted to and approved by the City of Napa prior to approval of the Tentative Map.</u> f) <u>The habitat creation plan shall also include a maintenance and monitoring plan that describes specific maintenance and monitoring procedures for both existing retained oak woodlands and new plantings. This plan shall provide performance standards and a contingency plan should the plantings not meet the performance standards. The recommended period for monitoring is ten years following implementation. Annual monitoring reports should be provided to the City of Napa for review. The plan must identify how the maintenance and monitoring will be funded during the monitoring period and beyond the monitoring period, if necessary.</u> Mitigation Measure 11-1 C: Conservation Easements. The Project shall provide a conservation easement that shall preclude the loss of any native trees within the easement area and retain the natural appearance of the conservation area. The conservation easement shall: a) prohibit property line fences or other fencing, b) prohibit tree cutting or pruning without first obtaining an arborist report identifying the reasons and conditions necessitating tree removal, and without the review and approval by the Tree Advisory Commission (subject to appeal to the City Council), c) prohibit any structures, ornamental gardens, etc. d) <u>A homeowners association or other similar entity acceptable to the City shall be established to accept these conservation easements, and to provide for on-going management and maintenance responsibility.</u>	

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 11-2: Degradation of Existing Visual Character or Quality of Site from SR 29 Scenic Corridor. The Project has the potential to substantially degrade the existing visual character or quality of the site and its surroundings. This impact could result from the removal of trees, alteration and recontouring of the site during Project construction, as well as post-construction with the presence of homes along previously undeveloped ridgelines. Cut and fill activities, even after homes are constructed, could leave visible scars along the ridgelines and slopes surrounding the perimeter of the Project site.	<i>Significant in the short term, may be less than significant in the long term</i>	None needed. Proposed tree plantings and recommended mitigation measures (see C of A 2.1B, MM2.5A, MM3.2A, MM4.2B and MM11.1C) will produce and/or maintain vegetation large enough to screen the effects of site development after a period of approximately 10 years.	<i>Short-term significant unavoidable, mitigated to less than significant in the long term.</i>
Impact 11-3: Degradation of Existing Visual Character or Visual Quality of the Site from Old Sonoma Road. The Project will have a <i>significant unmitigated short-term impact</i> on views from Old Sonoma Road as a result of proposed fill that will significantly alter the site's natural topography. Over time, this impact will be partially mitigated through implementation of the Project's proposed landscaping plan within the proposed Agricultural Buffer. However, the plantings within this buffer as proposed will not be similar in appearance to the native vegetative cover present on adjoining portions of the site where development is not proposed. The development of an access road to the proposed water tank located on a 37-acre site opposite the project site north of Old Sonoma Road could also result in the removal of trees, which could alter the existing visual features of the area.	<i>potentially significant</i>	Mitigation Measure 11-3 A: Eliminate Proposed Fill Slope Along the Southern Boundary Through Elimination of Lots #33 - #39. In order to be consistent with Hillside Overlay Guidelines and to minimize visual impacts associated with modification of existing natural topography, the Project should be modified to eliminate the need for extensive fill as proposed through the removal of Lot 33, Lot 34, Lot 35, Lot 36, Lot 37, Lot 38 and Lot 39 along the Project's southern boundary. Mitigation Measure 11-3 B: Retain Existing View from Old Sonoma Road/ Congress Valley Road Through Elimination of Lots # 27 and #30. The residences proposed on Lot 27 and Lot 30 would protrude significantly into the skyline as seen from Old Sonoma Road/Congress Valley Road (see Figure 11.9). The elimination of these two lots from the site plan would greatly reduce the visual effects of Project development as seen from this viewpoint. Mitigation Measure 11-3 C: Building Height Limits. The Project should be redesigned to reduce building heights to 24 feet on those lots which are shown to protrude into the silhouette of the ridgeline. The locations where this measure is most applicable are on Lot 26, Lot 41, Lot 42, Lot 48, Lot 66 and Lot 67.	<i>mitigated to less than significant, but would require substantial Project modifications</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		Mitigation Measure 11-3 D: Natural Appearing Agricultural Buffer Landscape Program. Develop a landscaping plan along the western and southern exterior of the Project site that provides a more natural edge treatment rather than the proposed linear edge treatment (see Figure 11.9, above). The landscaping plan for these edges of the site shall emphasize native oak trees to conceal new homes while blending in with the natural vegetation and open space characteristics of agricultural lands to the west and south, particularly for viewsheds along Old Sonoma Road from Congress Valley. Final architectural/design review of the agricultural buffer shall occur prior to Final Map approval. <u>A homeowners association shall be established to provide for ongoing monitoring and maintenance of the Agricultural Buffer area.</u> Mitigation Measure 11-3E: Water Tank Screening. <u>The Project applicant shall develop a detailed landscaping plan for the water tank site that provides for a natural edge treatment emphasizing native oaks to conceal the tank while blending in with the natural vegetation and open space characteristics of adjacent agricultural lands. Final design review of the water tank and water tank landscaping plan shall occur prior to Final Map approval. Requirements for the water tank design shall include:</u> a) <u>the water tank should be painted a dark green or other natural color to blend in with surrounding vegetation, and</u> b) <u>landscaping of the water tank site shall provide for screening of the tank structure from views from Congress Valley, with an emphasis on native oak plantings, but providing a mix of faster growing species as well.</u>	
Impact 11-4: Project Impacts on Neighborhood Scale. The proposed Project will have a significant impact on neighborhood scale from the neighborhood in the vicinity of the intersection of Casswall at Idaho.	<i>Potentially significant</i>	Mitigation Measure 11-4A: Reduce Scale of Homes Adjacent to Casswall Neighborhood. The proposed homes on Lots 82, 83, and 85 should be reduced in scale to be more compatible and consistent with the scale of existing residences in this neighborhood, and provide a transition to the larger estate units further up the hill.	<i>Mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		Mitigation Measure 11.4B: Reduce Scale of Homes Along Casswall Ridgeline. To minimize the intrusion of views from new homes within the Project into the existing yards and homes of residences along Casswall Street, the height limits for homes on Lots #75 through #80 shall be limited to 24 feet as required under the Hillside Development Guidelines.	
Impact 11-5: Impacts from Light and Glare. Development of the Project would create new sources of light and glare which could affect adjacent downslope residential communities, particularly at night.	<i>potentially significant</i>	Mitigation Measure 11-5: Non-Reflective Surfaces. The following standard Mitigation measures as contained in City Policy Resolution 27 <u>related to lighting and glare, and the following measures of the Napa City Code</u> would reduce visual impacts.	<i>mitigated to less than significant</i>
Impact 11-6: Change in Visual Character. The proposed Project will result in the development of 83 new homes and associated utilities, roadway, sidewalk improvements on an undeveloped hillside site with highly visible ridgelines currently used for grazing cattle. These new improvements will change the visual character of the site from undeveloped rural open space to more urban land uses.	<i>potentially significant and unavoidable</i>	None available	<i>Significant and unavoidable</i>
HAZARDOUS MATERIALS			
Impact 12-1: Risk Exposure/Hazardous Materials. Based on the Phase I ESA review, the site reconnaissance, and the soil sampling and analyses conducted by McClaren/Hart, the potential for adverse exposure to recognized hazardous materials within the property appears to be <i>insignificant</i> .	<i>Less than significant</i>	Condition of Approval 12-1: Additional Analyses. Prior to final map, the applicant shall conduct additional analyses of the suspect fill material located at the northeastern property corner to determine if: 1) motor oil exists at a distinct location at concentrations in excess of 100 ppm; and 2) chromium exists at or above hazardous levels. If either condition is true, then the contaminated material should be removed from the site or other measures undertaken prior to any construction to eliminate the potential for human exposure.	<i>Less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
CULTURAL RESOURCES			
Impact 13-1: Prehistoric/Cultural Resource Impacts. Grading and subsurface construction activities on the Project site could potentially expose important archaeological resources to damage.	<i>potentially significant</i>	Mitigation Measure 13-1: Cultural Resource Discovery Procedures. If any cultural artifacts are encountered during grading or construction, all work in the vicinity shall immediately be discontinued until a qualified archaeologist is obtained by the City of Napa to evaluate the findings. a) Consistent with the City of Napa Policy Resolution No. 27, the archaeologist shall determine if the finding is an important archaeological resource. If so, the archaeologist shall provide mitigation measures to be implemented by the developer, who must comply with all mitigation recommendations of the archaeologist prior to commencing work in the vicinity of the archaeological finds. All other procedures shall comply with Appendix K of the California Environmental Quality Act Guidelines. b) In the event of any discovery of human remains during grading or construction, all work shall be halted in the vicinity and the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required, and determine if the remains are of Native American origin. If such remains are of Native American origin, the nearest tribal relatives as determined by the state Native American Heritage Commission shall be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98. c) <u>During construction it will be necessary to watch for the appearance of cultural materials that may be discovered during earth moving activities. These materials may include, but are not limited to, bone, obsidian flakes, shell, darkened soil, charred material or carved stone. Other types of cultural material may consist of bottles, colored glass, buttons, metal fragments, nails, brick or other building debris, ceramic shards or features such as privy pits hearths or building foundations. Should archaeological remains or significant cultural material be found, construction should stop immediately and a qualified archaeologist called out to examine the finds and evaluate their potential importance.</u>	<i>mitigated to less than significant</i>

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 13-2: Historic Resource Impacts. The residence on Old Sonoma Road and the few other structures on the Project site, such as the barn, garage and other small sheds which will be removed, do not have significant historic architectural merit.	<i>less than significant</i>	None needed.	<i>less than significant</i>

Comment Letters And Summary Of Public Hearing Comments

The following chapter of this EIR contains copies of all written correspondence on the Napa Oaks project Draft EIR received from public agencies and the public during the public review period. Responses to each of these comments are provided in the following Chapter 4 of this EIR.

Federal Agencies (No Comments)	Address	Comment Number
State and Regional Agencies		
Regional Water Quality Control Board	1515 Clay St., Ste 1400 Oakland, CA 94612	B1
Office of Planning and Research (1)	1400 Tenth St. Rm 222 Sacramento, CA 95812-3044	B2
Office of Planning and Research (2) Incl. Department of Transportation ltr.	PO Box 23660, Oakland 94623	B3
Local Agencies and Organizations		
California Native Plant Society, Napa Valley Ch.	Jake Ruygt, 3549 Willis Drive Napa, CA 94558	C1
City of Napa, Community Resources Department	Sherrie Stone	C2
City of Napa, Cultural Heritage Commission Chair (on behalf of the Commission)	Bright Eastman	C3
City of Napa Fire Department	Joe Perry, Fire Chief	C4
City of Napa Planning Department (Errata)	Jean Hasser	C5
County of Napa Conservation, Development And Planning Department	William Selleck	C6
City of Napa, Tree Advisory Commission	Bob Carlson for Bill Pramuk, Chair	C7
Individuals (alphabetically by date received)		
9/27/99 Altman, Roger	3614 Buchanan St. #306 San Francisco, CA 94123	D1
9/28/99 Pedrelli, Joan	205 Casswall St. Napa 94558	D2
9/29/99 Haltermann, Harold & Loraine	603 Casswall St. Napa 94558	D3
10/4/99		

Ball, Charles	2728 Utah St. Napa 94558	D4
Eid, Rose	2758 Indiana St. Napa 94558	D5
Jennings, Patricia; La Velle; Goldstein	2787 Indiana St. Napa 94558	D6
Phillips, Paula	706 Casswall St. Napa 94558	D7
Thomas, Fred & Irene	2776 Illinois St. Napa 94558	D8
Zuffo, Violet	2783 Illinois St. Napa 94558	D9
10/5/99		
Bechtol, Tod & Gigi	2774 Idaho St. Napa 94558	D10
Cochran, Myrtle	2790 Idaho St. Napa 94558	D11
10/14/99		
Anonymous		D12
10/15/99		
Lang, James & Joan	360 Pickwick Drive 94558	D13
Williams, Barbara	4135 Old Sonoma Rd	D14
10/20/99		
Tandy, Scott	2775 Utah St. Napa 94558	D15
10/21/99		
Hartdegen, Sybil	2719 Idaho St. Napa 94558	D16
10/25/99		
McNeill, Bob & Ann	2744 Iowa St. Napa 94558	D17
Sherwood, R.L. & V.L.	2768 Utah St. Napa 94559-5953	D18
10/26/99		
Crandall, Scott	2796 Idaho St. Napa 94558	D19
10/27/99		
Flynn, Kathy	105 Lilienthal St. Napa 94558	D20
McCrum, Charles & Ruth	651 Somerset Pl. Napa 94558	D21
Reynolds, Lew & Dolly	116 Lilienthal St. Napa 94558	D22
Russell, Jim & Dorothy	2735 Idaho St. Napa 94558	D23
Whatley, Ethelyne	651 Foster Rd. Napa	D24
10/28/99		
Cooper, Marie, McCutchen, Doyle, Brown & Emersen	1333 N. California Blvd., Ste 210 P.O. Box V, Walnut Creek 94596	D25
Emerson, Linda; Dickenson, Peatman & Fogarty	809 Coombs St. Napa 94559-2977	D26
Martin, Gary	420 Foster Rd. Napa 94559	D27
Simpkins, Helen	2773 Idaho St. Napa	D28
Truchard, Tony; Truchard Vineyards	3234 Old Sonoma Rd. Napa 94559	D29
10/29/99		
Albedi, Lawrence	2790 Indiana St. Napa 94558	D30
Crandall, Phyllis	Casswall St. Napa	D31
Erickson, Leslie	2785 Iowa St. Napa 94558	D32
Flynn, Christian	105 Lilienthal St. Napa 94558	D33
Foster, Astrid & Sean	2763 Illinois St. Napa 94558	D34
Grobl, Karen	2744 Illinois St. Napa 94558	D35
Haight, Jane	2798 Utah St. Napa 94558-5359	D36
Heine, Sonya	379 East Spring St. Napa 94559	D37
Koufos, Betty	260 Foster Rd. Napa 94558	D38
Rowan, Marie	2731 Utah St. Napa 94558	D39
Rowan, Sue	2731 Utah St. Napa 94558	D40
Late Correspondence Received		
11/1/99		
Bagshaw, Allyn		
Patten, Patricia	2973 Sunrise Dr. Napa 94558	D41
Phillips, Sue	393 Foster Rd.	D42

Public Hearing Comments (September 30, 1999)

Fagiani, Muriel	905 Caymus St. Napa	PH1
Greer, Emma	713 Carolina St. Napa	PH2
Thayer, Jeff; Davidon Homes		PH3
Bagshaw, Allyn	2731 Illinois St. Napa	PH4
Holmes, Pat	2759 Idaho St. Napa	PH5
Barth, Janet	116 Roosevelt Napa	PH6
LaVelle, Andre	2787 Jennings	PH7
Russell, Mark	2728 Illinois St. Napa	PH8
Kramer, Jack	2760 Illinois St. Napa	PH9
Martin, Dan	3255 Old Sonoma Rd. Napa	PH10



California Regional Water Quality Control Board

San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Date: **OCT 08 1999**
File No. 2138.05

Ms. Jean Hasser
Associate Planner
City of Napa
955 Franklin Street
Napa, CA 94559

Re: Napa Oaks Subdivison (Napa)
SCH # 98012049

RECEIVED
OCT 12 1999
PLANNING DEPARTMENT

Dear Ms. Hasser:

We have received the above referenced Draft Environmental Impact Report (DEIR) and offer the following comments with which the Regional Water Quality Control Board (RWQCB) is concerned.

The purpose of the project is to subdivide an 80.6-acre site in the southwestern part of the City of Napa, south of Old Sonoma Road and west of Casswall Streets, into 85 lots to construct 83 new single family homes (2 existing homes would remain). The project would include a new public street to provide access into the site at Lilienthal and Old Sonoma Roads, connecting to other new subdivision streets. The project includes an 80' wide agricultural setback along the City's Rural-Urban Limit line, as well as conservation easements over portions of many lots. A new City water tank on a nearby site on the north side of Old Sonoma Road would be constructed as part of the project to provide water/fire flows.

B1.1 The proposed development would disturb more than five acres of land during construction. The project must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). This can be accomplished by filing a Notice of Intent with the State Water Resources Control Board, Division of Water Quality. The project sponsor must propose and implement control measures that are consistent with the General Permit and with the recommendations and policies of the local agency and the RWQCB.

B1.2
B1.3 There are impacts to seasonal wetlands associated with the project. Development of the project would result in the fill of 1.14 acres of seasonal wetlands, seasonal ponds, and seeps (DEIR-summary-16). Section 404 of the Clean Water Act (covering, dredging, or filling of Waters of the United States, including wetlands) sequence the order in which proposals should be approached. First, impacts to wetlands or Waters of the State must be avoided to the maximum extent practicable. Second, the remaining impacts must be minimized. Finally, the remaining

B1.3

unavoidable adverse impacts to wetlands or Waters of the State must be mitigated. Mitigation will be preferably in-kind and on-site, with no net destruction of habitat value. Section 401 Water Quality Certification is necessary for all 404 Nationwide permits.

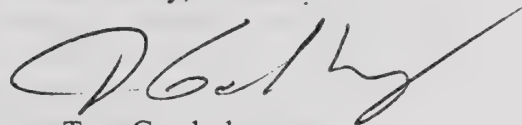
B1.4

Regional Board Staff are unable to offer more specific comment at this time. However, I have attached a copy of our General Comments, which discuss the Regional Board's area of responsibility, and which should help guide in the preparation of further CEQA documentation.

Regional Board staff also encourage the project sponsor to obtain a copy of "Start at the Source," a design guidance manual for stormwater quality protection. The manual provides innovative design techniques for structures, parking lots, drainage systems, and landscaping. This manual may be obtained at most cities planning offices, or by calling the Bay Area Stormwater Management Agencies Association at 1-800-773-7247.

If you have any questions, please contact me at (510) 622-2348, or Jennifer Ackerman at (510) 622-2346.

Sincerely,



Tom Gandesbery
Environmental Specialist III
North Bay Watershed Division

cc (without attachment): State Clearinghouse



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

San Francisco Bay Region

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis
Governor

General Comments

The San Francisco Regional Water Quality Control Board (Regional Board or RWQCB) is charged with the protection of the Waters of the State of California in the San Francisco Bay Region, including wetlands and stormwater quality. The Regional Board is responsible for administering the regulations established by the Federal Clean Water Act. Additionally, the California Water Code establishes broad state authority for regulation of water quality. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) explains the Regional Board's strategy for regulating water quality. The Basin Plan also describes the range of responses available to the Regional Board with regard to actions and proposed actions that degrade or potentially degrade the beneficial uses of the Waters of the State of California.

NPDES

Water quality degradation is regulated by the Federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and nonpoint discharges. In California, the program is administered by the California Regional Water Quality Control Boards. The Regional Board issues NPDES permits for discharges to water bodies in the San Francisco Bay Area, including Municipal (area- or county-wide) Stormwater Discharge Permits.

Projects disturbing more than five acres of land during construction must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). This can be accomplished by filing a Notice of Intent with the State Water Resources Control Board. An NOI and the General Permit can be obtained from the Board at (510) 266-2300. The project sponsor must propose and implement control measures that are consistent with the General Permit and with the recommendations and policies of the local agency and the RWQCB.

Projects that include facilities with discharges of Storm Water Associated with Industrial Activity must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity. This may be accomplished by filing a Notice of Intent. The project sponsor must propose control measures that are consistent with this, and with recommendations and policies of the local agency and the RWQCB. In a few cases, the project sponsor may apply for (or the RWQCB may require) issuance of an individual (industry- or facility-specific) permit.

The RWQCB's Urban Runoff Management Program requires Bay Area municipalities to develop and implement storm water management plans (SWMPs). The SWMPs must include a program for implementing new development and construction site storm water quality controls. The objective of this component is to ensure that appropriate measures to control pollutants from new development are: considered during the planning phase, before construction begins; implemented during the construction phase; and maintained after construction, throughout the life of the project.

California Environmental Protection Agency



B1-3

Impacts and Mitigation Measures

Wetlands

Wetlands enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands also provide critical habitats for hundreds of species of fish, birds, and other wildlife, offer open space, and provide many recreational opportunities. Water quality impacts occur in wetlands from construction of structures in waterways, dredging, filling, and altering drainage to wetlands.

The Regional Board must certify that any permit issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act (covering, dredging, or filling of Waters of the United States, including wetlands) complies with state water quality standards, or waive such certification. Section 401 Water Quality Certification is necessary for all 404 Nationwide permits, reporting and non-reporting, as well as individual permits.

All projects must be evaluated for the presence of jurisdictional wetlands and other Waters of the State. Destruction of or impact to these waters should be avoided. If the proposed project impacts wetlands or other Waters of the State and the project applicant is unable to demonstrate that the project was unable to avoid those adverse impacts, water quality certification will most likely be denied. 401 Certification may also be denied based on significant adverse impacts to wetlands or other Waters of the State. In considering proposals to fill wetlands, the Regional Board has adopted the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993). The goals of the Policy include ensuring "no overall net loss and achieving a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values." Under this Policy, the Regional Board also considers the potential post-construction impacts to wetlands and Waters of the State and evaluates the measures proposed to mitigate those impacts (see Storm Water Quality Control, below).

The Regional Board has adopted U.S. EPA's Clean Water Act Section 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 24, 1980, in the Board's Basin Plan for determining the circumstances under which fill may be permitted.

Section 404(b)(1) Guidelines prohibit all discharges of fill material into regulated waters of the United States, unless a discharge, as proposed, constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose. For non-water dependent projects, the guidelines assume that there are less damaging alternatives, and the applicant must rebut that assumption.

The Section 404(b)(1) Guidelines sequence the order in which proposals should be approached. First, impacts to wetlands or Waters of the State must be avoided to the maximum extent practicable. Second, the remaining impacts must be minimized. Finally, the remaining unavoidable adverse impacts to wetlands or Waters of the State must be mitigated. Mitigation will be preferably in-kind and on-site, with no net destruction of habitat value. A proportionately greater amount of mitigation is required for projects that are out-of-kind and/or off-site. Mitigation will preferably be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands.

Successful mitigation projects are complex tasks and difficult to achieve. This issue will be strongly considered during agency review of any proposed wetland fill. Wetland features or ponds created as mitigation for the loss of existing jurisdictional wetlands or Waters of the United States cannot be used as storm water treatment controls.

In general, if a proposed project impacts wetlands or Waters of the State and the project applicant is unable to demonstrate that the project was unable to avoid adverse impacts to wetlands or Waters of the State, water quality certification will be denied. 401 Certification may also be denied based on significant adverse impacts to wetlands or other Waters of the State.

Storm Water Quality Control

Storm water is the major source of fresh water to creeks and waterways. Storm water quality is affected by a variety of land uses and the pollutants generated by these activities. Development and construction activities cause both site-specific and cumulative water quality impacts. Water quality degradation may occur during construction due to discharges of sediment, chemicals, and wastes to nearby storm drains or creeks. Water quality degradation may occur after construction is complete, due to discharges of petroleum hydrocarbons, oil, grease, and metals from vehicles, pesticides and fertilizers from landscaping, and bacteria from pets and people. Runoff may be concentrated and storm water flow increased by newly developed impervious surfaces, which will mobilize and transport pollutants deposited on these surfaces to storm drains and creeks. Changes in runoff quantity or velocity may cause erosion or siltation in streams. Cumulatively, these discharges will increase pollutant loads in creeks and wetlands within the local watershed, and ultimately in San Francisco Bay.

To assist municipalities in the Bay Area with complying with an area-wide NPDES Municipal Storm Water Permit or to develop a Baseline Urban Runoff Program (if they are not yet a co-permittee with a Municipal Storm Water Permit), the Regional Board distributed the *Staff Recommendations for New and Redevelopment Control for Storm Water Programs* (Recommendations) in April 1994. The Recommendations describe the Regional Board's expectations of municipalities in protecting storm water quality from impacts due to new and redevelopment projects, including establishing policies and requirements to apply to development areas and projects; initiating appropriate planning, review, approval, and inspection procedures; and using best management practices (BMPs) during construction and post-construction.

Project impacts should be minimized by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP is required by the State Construction Storm Water General Permit (General Permit). The SWPPP should be consistent with the terms of the General Permit, the Manual of Standards for Erosion & Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), policies and recommendations of the local urban runoff program (city and/or county), and the Recommendations of the RWQCB. SWPPPs should also be required for projects that may have impacts, but which are not required to obtain an NPDES permit. Preparation of a SWPPP should be a condition of development. Implementation of the SWPPP should be enforced during the construction period via appropriate options such as citations, stop work orders, or withholding occupancy permits.

Impacts identified should be avoided and minimized by developing and implementing the types of controls listed below. Explanations of the controls are available in the Regional Board's construction *Field Manual*, available from Friends of the San Francisco Estuary at (510) 286-0924, in BASMAA's *Start at the Source*, and in the *California Storm Water Best Management Practice Handbooks*.

Site Planning

The project should minimize impacts from project development by incorporating appropriate site planning concepts. This should be accomplished by designing and proposing site planning options as early in the project planning phases as possible. Appropriate site planning concepts to include, but are not limited to the following:

- Phase construction to limit areas and periods of impact.
- Minimize directly connected impervious areas.
- Preserve natural topography, existing drainage courses and existing vegetation.
- Locate construction and structures as far as possible from streams, wetlands, drainage areas, etc.
- Provide undeveloped, vegetated buffer zones between development and streams, wetlands, drainage areas, etc.
- Reduce paved area through cluster development, narrower streets, use of porous pavement and or retaining natural surfaces.
- Minimize the use of gutters and curbs which concentrate and direct runoff to impermeable surfaces.
- Use existing vegetation and create new vegetated areas to promote infiltration.
- Design and lay out communities to reduce reliance on cars.
- Include green areas for people to walk their pets, thereby reducing build-up of bacteria, worms, viruses, nutrients, etc. in impermeable areas, or institute ordinances requiring owners to collect pets' excrement.
- Incorporate low-maintenance landscaping.
- Design and lay out streets and storm drain systems to facilitate easy maintenance and cleaning.
- Consider the need for runoff collection and treatment systems.
- Label storm drains to discourage dumping of pollutants into them

Erosion

The project should minimize erosion and control sediment during and after construction. This should be done by developing and implementing an erosion control plan, or equivalent plan. This plan should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Limit access routes and stabilize access points.
- Stabilize denuded areas as soon as possible with seeding, mulching, or other effective methods.
- Protect adjacent properties with vegetative buffer strips, sediment barriers, or other effective methods.
- Delineate clearing limits, easements, setbacks, sensitive areas, vegetation and drainage courses by marking them in the field.
- Stabilize and prevent erosion from temporary conveyance channels and outlets.
- Use sediment controls and filtration to remove sediment from water generated by dewatering or collected on-site during construction. For large sites, stormwater settling basins will often be necessary.

Chemical and Waste Management

The project should minimize impacts from chemicals and wastes used or generated during construction. This should be done by developing and implementing a plan or set of control measures. The plan or control measures should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Designate specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes.
- Store stockpiled materials and wastes under a roof or plastic sheeting.
- Store containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods.
- Berm around storage areas to prevent contact with runoff.
- Cover open Dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods.
- Designate specific areas of the site, away from streams or storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance.
- Routinely maintain all vehicles and heavy equipment to avoid leaks.
- Perform major maintenance, repair, and vehicle and equipment washing off-site, or in designated and controlled areas on-site.
- Collect used motor oil, radiator coolant or other fluids with drip pans or drop cloths.
- Store and label spent fluids carefully prior to recycling or proper disposal.
- Sweep up spilled dry materials (cement, mortar, fertilizers, etc.) immediately--do not use water to wash them away.
- Clean up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g., absorbent materials, cat litter, rags) and dispose of cleanup materials properly.
- Clean up spills on dirt areas by digging up and properly disposing of the soil.
- Keep paint removal wastes, fresh concrete, cement mortars, cleared vegetation, and demolition wastes out of gutters, streams, and storm drains by using proper containment and disposal.

Post-Construction

The project should minimize impacts from pollutants that may be generated by the project following construction, when the project is complete and occupied or in operation. These pollutants may include: sediment, bacteria, metals, solvents, oil, grease, and pesticides, all of which are typically generated during the life of a residential, commercial, or industrial project after construction has ceased. This should be done by developing and implementing a plan and set of control measures. The plan or control measures should be included in the SWPPP.

The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the source controls and treatment controls listed in the Recommendations. Appropriate control measures are discussed in the Recommendations, in:

- Table 2: Summary of residential post-construction BMP selection
- Table 3: Summary of industrial post-construction BMP selection
- Table 4: Summary of commercial post-construction BMP selection

Additional sources of information that should be consulted for BMP selection include the *California Storm Water Best Management Practice Handbooks*; the Bay Area Preamble to the *California Storm*

Water Best Management Practice Handbooks and New Development Recommendations; the BASMAA New Development Subcommittee meetings, minutes, and distributed information; and Regional Board staff. Regional Board staff also have fact sheets and other information available for a variety of structural stormwater treatment controls, such as grassy swales, porous pavement and extended detention ponds.



Gray Davis
GOVERNOR

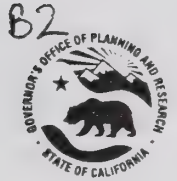
STATE OF CALIFORNIA

Governor's Office of Planning and Research State Clearinghouse

STREET ADDRESS: 1400 TENTH STREET ROOM 222 SACRAMENTO, CALIFORNIA 95814

MAILING ADDRESS: P.O. BOX 3044 SACRAMENTO, CA 95812-3044

916-445-0613 FAX 916-323-3018 www.opr.ca.gov/clearinghouse.html



Loretta Lynch
DIRECTOR

October 29, 1999

JEAN HASSER
CITY OF NAPA
955 Franklin
Napa, CA 94559

NOV - 1 1999

PLANNING DEPARTMENT

Subject: NAPA OAKS
SCH#: 98012049

Dear JEAN HASSER:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period closed on October 28, 1999, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the eight-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

B2-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 98012049
Project Title NAPA OAKS
Lead Agency Napa, City of

Type eir Draft EIR

Description A General Plan Amendment, rezoning, subdivision, use permit for hillside residential, and architectural review to permit 85 single family homes (2 existing; 83 new) on 80.6 site in southwest Napa. Project would range from 13,373 sq. ft. to more than 3 acres. Nine 1-2 story home designs, from 3,072 to 3,886 square feet in size, are proposed. A new public street would provide access into the site at Lilenthal and Old Sonoma Roads, connecting to other new subdivision streets. An emergency-only access would be located at the western edge of the site. Four lots would take access along a shared private drive to Casswall Street. The project includes an 80' wide agricultural setback along the City's Rural-Urban Limit line, as well as conservation easements over portions of many lots. A new City water tank on a nearby site would be constructed as part of the project to provide water/fire flows.

Lead Agency Contact

Name JEAN HASSER
Agency CITY OF NAPA
Phone 707 257 9530
email
Address 955 Franklin
City Napa

Fax

State CA **Zip** 94559

Project Location

County NAPA
City NAPA
Region
Cross Streets Old Sonoma Rd/Casswall
Parcel No. 43-040-08,-10,-13,-25;43-030-03
Township T5N **Range** R4W **Section** **Base**

Proximity to:

Highways 12/121;29/12
Airports
Railways N Vly Wine Tr, CNPRR
Waterways Napa River
Schools
Land Use Three existing homes on hillside site with grazing, RA Resource Area (78 acres) and SFR Single Family Residential (2.6 acres) General Plan Land Use Designations: Estate District and Low Density Residential zoning with hillside and erosion hazard overlays.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Forest Land/Fire Hazard; Flood Plain/Flooding; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Department of Forestry and Fire Protection; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Food and Agriculture; Department of Health Services; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Document Details Report
State Clearinghouse Data Base

Date Received 09/14/1999 *Start of Review* 09/14/1999 *End of Review* 10/28/1999



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse

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Loretta Lynch
DIRECTOR

October 29, 1999

JEAN HASSER
CITY OF NAPA
955 Franklin
Napa, CA 94559

Subject: NAPA OAKS
SCH#: 98012049

Dear JEAN HASSER:

The enclosed comment (s) on your draft environmental document was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 28, 1999. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the eight-digit State Clearinghouse number (98012049) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

B3-1

DEPARTMENT OF TRANSPORTATION

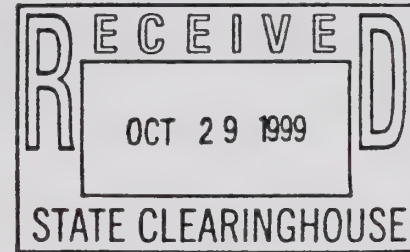
BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
TDD (510) 286-4454



*clear
10-28-99
late*

October 15, 1999

NAP-29-10.698
NAP029571
SCH # 98012049



Mr. John Yost
Napa Planning Department
P O Box 660
Napa, California 94559-0660

Dear Mr. Yost:

Napa Oaks Subdivision

Thank you for including the California Department of Transportation (Caltrans) in the review of the above referenced project. We have the following comments regarding this project.

B3.1 | Page 7-4 states: "the only study intersections that are currently signalized are the interchanges at First Street/State Route 29 and the intersection of First Street and Freeway Drive". However, it should be noted that Tables 7.4 and 7.9 show a signal controlled intersection at the State Route 29 northbound ramps/Imola Avenue intersection.

B3.2 | Why are P M Peak hour volumes for intersection #13 not shown in Figure 7.2?

B3.3 | Any work or traffic control done within State right-of-way will require an encroachment permit. To apply for a Caltrans' permit, the applicant should submit a completed application, environmental documentation and five sets (in metric units) of plans to the following address:

G. J. Battaglini, District Office Chief
Caltrans, District 4
Office of Permits
P.O. Box 23660
Oakland, CA 94623-0660

We appreciate the opportunity to work with you on this project. Should you require additional information or have any questions regarding this letter, please call Bonnit Braxton of my staff at (510) 622-1645.

Sincerely,

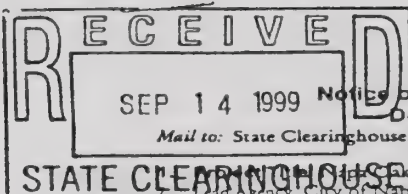
HARRY Y. YAHATA
District Director

By

for Bonnit Braxton
JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

Enclosure

B3-2



SEP 14 1999 Notice of Completion and Environmental Document Transmittal Form
Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 — 916/445-0613

98012049

See NOTE below
SCH # 98012049

Lead: City of Napa
3a. Street Address 955 Franklin
3b. City Napa
3c. County Napa
3d. Zip 94559
3e. Contact Person Jean Hasser, Assoc. Planner
3f. Phone 707-257-9530

Project Location: Residential site—south of Old Sonoma Rd, west of Casswall St; water tank site—north side Old Sonoma Rd
4a. County Napa
4b. Assessor's Parcel No. 43-040-08, -10, -13, -25; 43-030-03
4c. Section Twp. T5N Range R4W
5a. Cross Streets Old Sonoma Rd/Casswall
5b. For Rural, Nearest Community
6. Within 2 miles: a. State Hwy # 12/121; 29/12 b. Airports
c. Railways N Vly Wine Tr, CNPRR d. Waterways Napa River

7. Document Type
CEQA: 01. ☐ NOP 05. ☐ Supplement/Subsequent EIR NEPA: 09. ☐ NOI OTHER: 13. ☐ Joint Document
02. ☐ Early Cons 06. ☐ NOE 10. ☐ FONSI 14. ☐ Final Document
03. ☐ Neg Dec 07. ☒ X NOC 11. ☐ Draft EIS 15. ☐ Other
04. ☒ X Draft EIR 08. ☐ NOD 12. ☐ EA

8. Local Action Type
01. ☐ General Plan Update 05. ☐ Annexation 09. ☒ X Rezone 12. ☐ Waste Mgmt Plan
02. ☐ New Element 06. ☐ Specific Plan 10. ☒ X Land Division (Subdivision, Parcel Map, Tract Map, etc.) 13. ☐ Cancel Ag Preserve
03. ☒ X General Plan Amendment 07. ☐ Community Plan 11. ☒ X Use Permit 14. ☒ X Other Architect. Appr.
04. ☐ Master Plan 08. ☐ Redevelopment

9. Development Type
01. ☒ X Residential: Units 85 Acres 80.6
02. ☐ Office: Sq.ft. Acres Employees
03. ☐ Shopping/Commercial: Sq.ft. Acres Employees
04. ☐ Industrial: Sq.ft. Acres Employees
05. ☐ Water Facilities MGD
06. ☐ Transportation Type
07. ☐ Mining: Mineral Type Water
08. ☐ Power: Type
09. ☐ Waste Treatment: Type
10. ☐ OCS Related
11. ☐ Other:

10. Total Acres 80.6 11. Total Jobs —

12. Project Issues Discussed in Document
01. ☒ X Aesthetic/Visual 09. ☒ X Geologic/Seismic 17. ☐ Social 25. ☒ X Wetland/Riparian
02. ☒ X Agricultural Land 10. ☐ Jobs/Housing Balance 18. ☒ X Soil Erosion 26. ☒ X Wildlife
03. ☒ X Air Quality 11. ☐ Minerals 19. ☒ X Solid Waste 27. ☒ X Growth Inducing
04. ☒ X Archaeological/Historical 12. ☒ X Noise 20. ☒ X Toxic/Hazardous 28. ☒ X Incompatible Land Use
05. ☐ Coastal Zone 13. ☒ X Public Services 21. ☒ X Traffic/Circulation 29. ☒ X Cumulative Effects
06. ☐ Economic 14. ☐ X Schools 22. ☒ X Vegetation 30. ☐ Other
07. ☒ X Fire Hazard 15. ☐ Septic Systems 23. ☒ X Water Quality
08. ☒ X Flooding/Drainage 16. ☒ X Sewer Capacity 24. ☒ X Water Supply

13. Funding (approx.) Federal \$ State \$ Total \$

14. Present Land Use and Zoning: Three existing homes on hillside site with grazing. RA Resource Area (78 acres) and SFR Single Family Residential (2.6 acres) General Plan Land Use Designations: Estate District and Low Density Residential zoning with hillside and erosion hazard overlays

15. Project Description: A General Plan Amendment, rezoning, subdivision, use permit for hillside residential, and architectural review to permit 85 single family homes (2 existing; 83 new) on 80.6 site in southwest Napa. Project lots would range from 13,373 sq. ft. to more than 3 acres. Nine 1-2 story home designs, from 3,072 to 3,886 square feet in size, are proposed. A new public street would provide access into the site at Lillenthal and Old Sonoma Roads, connecting to other new subdivision streets. An emergency-only access would be located at the western edge of the site. Four lots would take access along a shared private drive to Casswall Street. The project includes an 80' wide agricultural setback along the City's Rural-Urban Limit line, as well as conservation easements over portions of many lots. A new City water tank on a nearby site would be constructed as part of the project to provide water/fire flows.

State Clearinghouse Contact: Mosie Boyd
(916) 445-0613

State Review Began: 9-14-99

Dept. Review to Agency 10-21-99

Agency to SCH 10-26-99

SCH COMPLIANCE 10-28-99

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 98012049
Please forward late comments directly to the Lead Agency

AQMD/APCD 2 (Resources: 9118)

Project Sent to the following State Agencies

- | | |
|---|---|
| ☒ Resources | State/Consumer Svcs |
| ☐ Boating & Waterways | ☐ General Services |
| ☐ Coastal Comm | ☐ Public School Construction |
| ☐ Coastal Consv | ☐ Cal EPA |
| ☐ Colorado Rvr Bd | ☐ ARB |
| ☒ Conservation | ☐ Integrated Waste Mgmt Bd |
| ☒ Fish & Game # 3 | ☐ SWRCB: Clean Water Prog |
| ☐ Delta Protection Comm | ☒ SWRCB: Water Rights |
| ☒ Forestry & Fire Prot | ☐ SWRCB: Water Quality |
| ☒ Historic Preservation | ☐ SWRCB: Bay-Delta Unit |
| ☒ Parks & Rec | ☒ Reg. WQCB # 2 |
| ☐ Reclamation Board | ☒ Toxic Sub Ctrl-CTC |
| ☐ Bay Cons & Dev Comm | ☐ Yth/Adlt Corrections |
| ☒ DWR | ☐ Corrections |
| ☐ OES (Emergency Svcs) | ☐ Independent Comm |
| ☐ Bus Transp Hous | ☐ Energy Commission |
| ☐ Aeronautics | ☒ NAHC |
| ☒ CHP | ☐ Public Utilities Comm |
| ☒ Caltrans # 4 | ☐ Santa Monica Mtns |
| ☐ Trans Planning | ☒ State Lands Comm |
| ☐ Housing & Com Dev | ☐ Tahoe Rgl Plan Agency (TR |
| ☒ Food & Agriculture | ☐ Other: |
| ☒ Health Services | ☐ Other: |



THE CALIFORNIA NATIVE PLANT SOCIETY

DEDICATED TO THE PRESERVATION OF CALIFORNIA NATIVE FLORA

October 8, 1999

John Yost
Planning Director
Napa Planning Department
P.O.Box 660
Napa, Ca 94559-0660

RECEIVED

OCT 27 1999

PLANNING DEPARTMENT

Re: Napa Oak Subdivision

C1.1 The location proposed for development as the Napa Oaks Subdivision currently functions as a valuable and necessary buffer between urban Napa and ag-industrial development. This buffer not only shields Napa citizens from chemical and noise pollution but also acts as essential corridor for wildlife migration. This corridor connects the forested ridgelines to the north to the wetlands of the Napa Marsh. This connection has been lost in the Carneros due to extensive ag-industrial conversion.

C1.2 The project, as proposed, does not appear to be environmentally sensitive. While there are conservation easement areas, 56 % of the trees will be removed and all of the wetlands will be destroyed. Mitigation to these significant impacts include planting a visual barrier with non-native trees and creation of an artificial wetland. These trees will never replace the biological value of the 100-300 year old oak trees on the site and man-made wetlands generally do not function the same way that natural wetlands do.

C1.3 It is recommended that the level of development proposed for this site is scaled down to maintain the biological values of this site. This would mean cutting less than one in four trees, designing around existing wetlands and using native species for any replanting. Lots located in heavily wooded areas such as 3, 9, 44, 45, and 46 should be deleted. The mitigated alternative described on page 14-19 would be much more suitable for this site.

Sincerely,

Jake Ruygt

Jake Ruygt
Conservation Chairman
Napa Valley Chapter, C.N.P.S.
3549 Willis Drive
Napa, CA 94558

C1-1

C2

**CITY OF NAPA
COMMUNITY RESOURCES DEPARTMENT
INTER-OFFICE MEMO**

TO: John Yost, Planning Department **DATE:** 10/1//99
FROM: Sherrie Stone
SUBJECT: Napa Oaks Subdivision Draft EIR

The Community Resources Department has reviewed the Napa Oaks Project Environmental Impact Report dated September, 1999 and has the following comments:

Mitigation Measure 10.9: Development of Adequate Bicycle and Trail Access – language should not include the term “trail” as this could be conceived to mean an off road bike lane. Language should consistently refer to “Class II Bike Lane”. This language would be consistent with the City’s General Future Bikeway System, Bay Trail Plan and City Trails Plan as per attachments.

Figure 10.5 City of Napa Trails Plan - this is a combination of the ABAG Bay Trail map and the City of Napa Trails Plan. This Figure should be replaced with the City of Napa Trails Plan included in the City’s General Plan.

Please call me at ext. 7365 if you need additional information.

Attachments: maps: City General Future Bikeway System, Bay Trail Plan, City Trail Plan
correspondence: letter from Ceil Scandone (ABAG) dated February 17, 1998

Cc: Mike McCarty, Director of Community Resources
Jean Hassery, Senior Planner, Project Manager, Planning

RECEIVED
OCT 04 1999
PLANNING DEPARTMENT

C2-1



Rural/Urban Limit

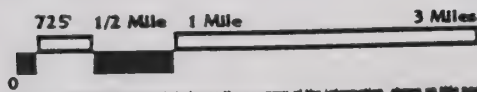
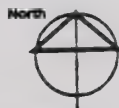
City of Napa General Plan

Bikepth.DS4

7/98

Figure 3-5

Future Bikeway System

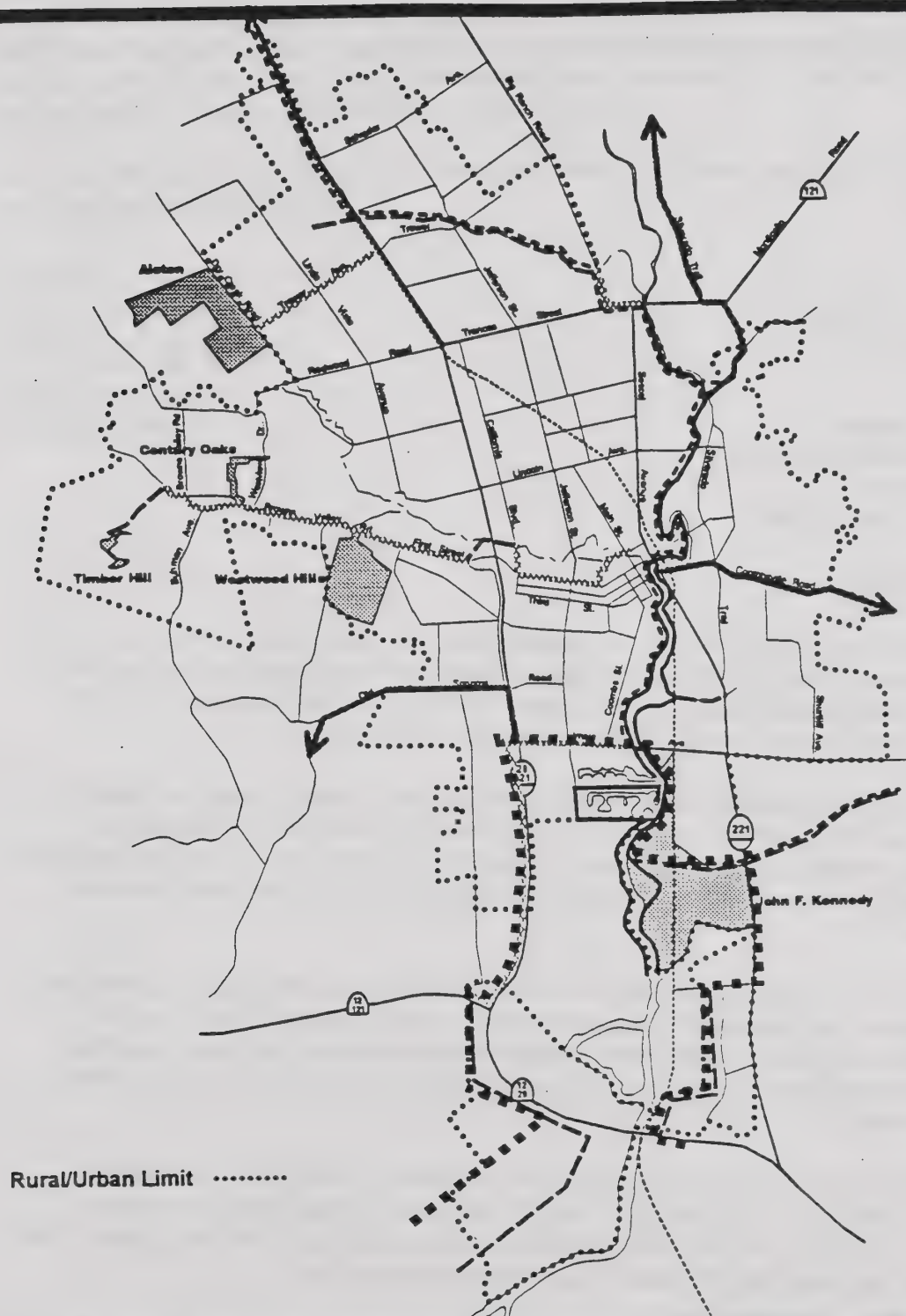


- Class 1
- Class 2
- Class 3

Source: City of Napa Public Works

While every effort has been made to ensure the accuracy of the information shown on this page, the City of Napa assumes no responsibility for liability from any errors or omissions.





Rural/Urban Limit

City of Napa General Plan

Figure 3-6

City Wide Trails Plan

Trails36.DS4

7/98

North

Napa River Trail ———

City Wide Trails - - - - -

On-road Connections ~~~~~

Roads to County Areas ———>

Ridge Trail - - - - -

Bay Trail

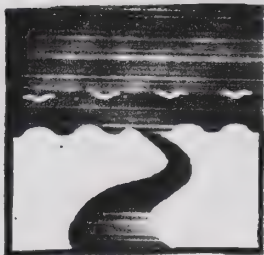
Rail Trail - - - - -

725' 1/2 Mile 1 Mile 3 Miles

While every effort has been made to ensure the accuracy of the information shown on this page, the City of Napa assumes no responsibility for liability from any errors or omissions.



C2-3



February 17, 1998

Ms. Jean Hasser
Napa Planning Department
P. O. Box 660
Napa, CA 94559-0660

Dear Ms. Hasser,

I am responding on behalf of the San Francisco Bay Trail Project to the *Notice of Preparation of a Draft Environmental Impact Report for Napa Oaks Subdivision, and Public Scoping Meeting* issued by your office. The Bay Trail apologizes for this late submittal, and we thank you for agreeing to accept our comment.

The Bay Trail is a planned 400-mile long recreational trail system intended to provide access to and along the San Francisco and San Pablo Bay shoreline for pedestrians, bicyclists and other non-motorized users. Currently 1/2 completed, the Trail will one day link the trail systems of nine counties and 42 cities, and over 130 parks and open space preserves.

The Bay Trail is recognized and supported in the City of Napa General Plan in both the Transportation and Parks and Recreation Chapters, and in the Napa River Plan. In addition, the Napa Countywide Bicycle Plan recognizes the Bay Trail throughout the County and includes a Class II Bicycle Lane on Old Sonoma Road in its recommended bicycle network.

The alignment north of San Pablo Bay travels north from Vallejo through American Canyon to the City of Napa on SRs 29 and 221, crosses the Napa River on the Imola Avenue bridge, then follows Old Sonoma Road south across SR 12 to Duhig Road. The alignment then turns west on Ramal Road towards Sonoma County.

✓ The proposed project site is located on the south side of Old Sonoma Road. As illustrated on the attached map, Old Sonoma Road between SR 29 and SR 12 is an integral part of the San Francisco Bay Trail alignment. The EIR should identify the Bay Trail alignment within the City of Napa and illustrate the connection into adjacent areas under the jurisdiction of Napa County.

The EIR should comment on the need for bicycle and pedestrian facilities to serve the proposed subdivision. Please examine the provision of such facilities within the subdivision and opportunities to provide future residents with bicycle and pedestrian connections to the rest of the City of Napa and adjacent communities via the Bay Trail, and trail systems planned by the City, the County and others.

We appreciate the opportunity to offer these comments. If you have any questions, please call me at 510/464-7961.

Sincerely,



Ceil Scandone, AICP
Regional Planner

C3

CITY OF NAPA
CULTURAL HERITAGE COMMISSION

RECEIVED
OCT 29 1999
PLANNING DEPARTMENT

October 29, 1999

John Yost, Planning Director
City of Napa Planning Department
PO Box 660
Napa, CA 94559-0660

RE: Napa Oaks Draft EIR

Dear Mr. Yost:

The comments below address cultural resources impacts for the Napa Oaks Subdivision Draft EIR.

Mitigation Measure 13-1: Cultural Resource Discovery Procedures

C3.1
In addition to measures a) and b), I would like to add the following instructions as mitigation measure c): During construction, it will be necessary to watch for the appearance of cultural materials that may be discovered during earth-disturbing activities. These materials may include (but are not limited to) bone, obsidian flakes, shell, darkened soil, charred material or carved stone. Other types of cultural materials may consist of bottles, colored glass, buttons, metal fragments, nails, brick, or other building debris, ceramic sherds, or features such as privy pits, hearths, or building foundations. Should archaeological remains such as those mentioned above be found, construction should stop immediately and a qualified archaeologist called out to examine the finds and evaluate their potential importance.

Impact 13-2: Historical Resource Impacts

C3.2
With respect to the statement that the buildings on the property "do not have significant historic architectural merit," I agree that *no significant impact* would result from the demolition of the garage, sheds, and the dwellings. The dwellings, however, are in good condition and can service the City's stock of affordable housing. I recommend that the dwellings be saved from demolition and relocated to an area where affordable housing is needed, and that they be rehabilitated accordingly.

•

C3-1

October 29, 1999

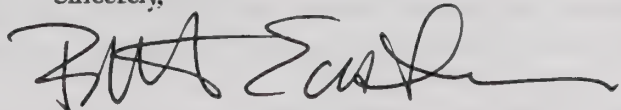
C3.3 The gambrel-roofed horse barn may have local architectural significance under Criterion 3 of the California Register of Historical Resources as a unique example of a building type. It appears to have excellent historic integrity, having been erected at least 50-60 years ago. Its original materials and architectural styling are intact and there has been little alteration of its interior. The barn is in good condition and still provides its historic function. I conducted a reconnaissance field survey within and adjacent to the city limits to locate similar barn types from this era with equal integrity. Having found no other examples of this type of gambrel roofed, wood-framed horse barn with such a high degree of historic integrity, I believe it likely that the barn on the property may be the only one of its type in the Napa Valley.

As a rare, unique surviving agricultural building from the early-mid twentieth century, this barn has a place in the architectural heritage of our city and our county. With so many barns disappearing from our landscape due to neglect and new development, demolition of this barn would constitute a very *significant impact*. In other words, I believe that the barn may be potentially eligible for listing on the California Register.

C3.4 Before its demolition can be approved, the barn should be evaluated for its local architectural importance for the purposes of CEQA. These would entail recording on DPR523 Primary Record and Building, Structure and Object forms, photographs, historical research on the property to discover its past associations, and an intensive comparative field survey to ascertain whether similar examples of this building type exist in the vicinity. A structural evaluation should also be performed on the barn to determine its feasibility for rehabilitation or relocation.

C3.5 I also recommend that the barn be placed on the City of Napa Historical Resources Inventory and that it be nominated to the California Register of Historical Resources upon completion of the historic architectural study and evaluation.

Sincerely,



Bright Eastman
Chair, Cultural Heritage Commission

C3-2

Commissioner Sensenbaugh inquired about the 1992 archeological report that did not involving any ground excavation. He mentioned another development out near Tulocay Creek where archeological excavation took place. Director Yost commented that the excavation was significant and could not be disturbed. The alternative, capping the site, did not fit into the site plan of the applicant, who did not want a more moderate project, hence that project won't proceed.

Chair Eastman explained that archeologists do a records search at Sonoma State in order to clear known sites. One recorded site was found, a mile to the west. Archeologists then did a field investigation, called a "pedestrian survey," to check for changes in surface soil, disturbed by grazing or noting no changes. Chair Eastman was satisfied that the archeological investigation was conducted properly and that nothing else would turn up now. She also pointed out the City's Standard Mitigation Measures would cover discovery procedures, and that the project would protect any burial sites discovered. She emphasized the need for a monitoring program, and listing what construction people should be on the lookout for.

Director Yost pointed out that the City's standard mitigation measure requires all work to stop if any archeological materials are unearthed. Equipment operators and city construction inspectors are alerted. Responding to Commissioner's Sensenbaugh's question, Yost noted that most projects just cap the archeological material, since excavation is so costly.

Ms. Fagiani spoke, insisting that the archeological information be brought back to the CHC for discussion. She was assured by the Chair and Mr. Yost that comments from the CHC will be incorporated into the final EIR. Public hearing was closed.

Chair Eastman commented that the commissioners need to know more about the buildings on site, particularly the barn. All asked to examine the buildings and their condition. Commissioners delegated Ms. Eastman to write a letter on the CHC's behalf for the responses to the draft EIR. Planning staff will arrange access to the property for the Commissioners.

5. DRAFT Programmatic Agreement on the Napa River/Napa Creek Flood Protection Project.

Marcia Maleske explained the Section 106 review process, and how the Federal agencies involved in the River Project must pay attention to historic and prehistoric archeological resources during construction. Maps included outline the "Area of Potential Effect" or APE for the bridge replacements: First Street bridges at Napa Creek and at the River Overflow, the Third Street Bridge and the Maxwell Bridge. In addition, the Programmatic Agreement covers protective measures to be taken during construction of the Third Street Bridge and flood wall.

Graham Wadsworth, Manager of the Bridge & Urban Drainage Division in the Public Works Department, explained the City's involvement in the Flood Protection Project, including bridge replacements and seven miles of channel work. Fortunately, the Federal Highway Administration (FHWA) determined that the Third Street Bridge and the First Street bridge over the Creek were eligible for federal highway/bridge replacement rehabilitation funding. Third Street did not meet seismic standards and needed replacement. The First Street Creek Bridge was structurally

C4

**NAPA CITY FIRE DEPARTMENT
INTER-OFFICE MEMO**

RECEIVED

OCT 14 1999

PLANNING DEPARTMENT

TO: Jean Hasser, Planning Department
FROM: Joe Perry, Fire Chief *Joe Perry*
SUBJECT: Napa Oaks Project - EIR Review

DATE: October 12, 1999

Fire Protection
Setting, Page 10-3

C4.1 | 1st Paragraph, line 5-7. Napa's medical response services are not also provided by the Police Department.

C4.2 | 2nd paragraph, line 7. Should read.... on a 24-hour basis, with a total on-duty force of up to 15 people.

C4.3 | 2nd paragraph, line 11. The response time should read 5 minutes, not 3 minutes.

C4.4 | Page 10-5, 4th paragraph, line 1. Should read basic fire protection regulations.

Demand for Fire Services

Impact 10.4: Increase in Demand for Fire Services. Page 10-9. Where in the General Plan does it say that development within the RUL is not expected to increase the need for new NFD staffing beyond the staffing at the existing three stations?

C4.5 | The reason for collecting a Fire and Paramedic Development fee is to build and equip Fire Station #4. The development within the RUL is the reason the Station is needed now. An additional Station in Browns Valley is the only way to provide a response time of 5 minutes.

C4.6 | This proposed project should generate 6-7 calls for service per year. The proposed Station #4 will respond to this area if Station #1 is unavailable.

C4-1

9/30/99; additions 10/29/99

CITY OF NAPA

PLANNING DEPARTMENT – 955 FRANKLIN STREET, NAPA

ERRATA - Napa Oaks Project DEIR

- C5.1 | The State Clearinghouse number noted on the cover and cover page should be #98012049
- C5.2 | Review Period: The Review Period, noted in the Introduction, p. 5 as September 13 to October 28, should be September 14 through October 29, 1999.
- C5.3 | Inconsistent Title of Alternative: Table S-2 Summary, p. Summary-33; Table 14-1, pp. 14-29 and 30; and Introduction p. 3 Alternatives paragraph: The “*No Project*” Alternative should be Titled the “*No Development*” Alternative consistent with descriptions on p. 14-1 and throughout the Alternatives Chapter 14.
- C5.4 | P. 1-18: The list of Planning Approvals should include a Tentative Subdivision permit, as described on page 1-17 and in the Introduction, p. 1
- C5.5 | Table S-1, p. 6 and p. 2-17 Condition of Approval 2-1B incorrectly refers the reader to visual impacts Mitigation Measures 11.6 related to neighborhood character. This Condition should refer the reader to Mitigation Measures 11-4A and B, and should also note the need for height reductions on Lots 75-80 described in 11-4B.
- C5.6 | Table S-1 summarizes many mitigation measures from the various chapters. There should be a footnote/asterisk on all summarized mitigation measures referring the reader to the complete text of the mitigation measure in the applicable chapter. Alternatively, the summary in the FEIR may be revised to include the entire mitigation measure text. *If the summarized measures are retained:*
- Summary Mitigation Measure 7-4 needs to be revised to more accurately summarize the p. 7-24 Mitigation Measure.
 - Summary Condition of Approval 2-3c, for consistency with Condition 2-3 on p. 2-30, needs to eliminate the words “one-third of”
 - Summary Mitigation Measure 10-9 needs to be revised consistent with Mitigation Measure 10-9 on p. 10-26.
- Note: Other Errata may be identified prior to the close of the public comment period.*
- Added 10/29/99**
- C5.7 | p. 6-12 Mitigation Measure 6.2A c) should refer to the *City’s* regulations.
- C5.8 | p. 9-9. Standard City mitigation measures would apply to construction noise to assure that impacts will be Less than significant.
- C5.9 | p. 10-8 Condition of approval 10.3A should refer to City Policy *Resolution* 27, and Policy Resolution 27 must be attached as an appendix to the Final EIR.
- C5.10 | p. 11-30: Mitigation Measure 11-5 should state: “City Policy Resolution 27 mitigation measures related to glare and lighting, and the following measures would reduce visual impacts” The first bullet is a Policy Resolution 27 mitigation measure and could be deleted with the inclusion of PR 27 as an appendix.



CITY of NAPA

C7
COMMUNITY RESOURCES DEPARTMENT
1100 West Street
PO Box 660
Napa, California 94559-0660
(707) 257-9529
FAX # (707) 257-9532

October 28, 1999

John Yost, Planning Director
City of Napa Planning Department
P.O. Box 660
Napa, CA 94559

RECEIVED

NOV - 1 1999

PLANNING DEPARTMENT

Subject: Comments on Draft EIR for the Napa Oaks Project

Dear Mr Yost:

The City of Napa, Tree Advisory Commission met on October 20, 1999 to review the Draft Napa Oaks Project Environmental Impact Report and have the following comments:

Biological Impacts

Impact 4-2: Removal of Coast Live Oak Woodland.

C7.1 Mitigation Measure 4-2.B states that the loss of "oak woodland habitat" shall be mitigated in part by planting oak trees. Oak woodland habitat consists of more than just Oak trees. The mitigation measure does not address the under story or other native trees and plants that make up the Oak woodland habitat and how the loss of this habitat will be mitigated.

C7.2 The proposed breaks in the continuity of the Oak woodland habitat as designated degrades the overall value of that habitat.

C7.3 Mitigation Measure 4-2.B also states that a "home-owners association or other mechanism" will be established to maintain newly planted areas of Oak woodland habitat. The success of any establishment of Oak woodland habitat is tenuous even under the best of conditions. Giving the responsibility to homeowners association with no knowledge or experience in this area would be a formula for failure unless strict conditions and guidelines were attached along with ongoing funding for professional maintenance and monitoring.

C7.4 The planting of Oak trees and related vegetation in soils disturbed by grading raises the question of whether loss of Oak woodland habitat could realistically be mitigated in the long term.

Visual Quality and Open Space

Impact 11.1. Substantial Damage to the Site's Scenic Tree/Woodland Resources.

C7.1 | Mitigation Measure 11-B – The planting of Oak trees alone does not create new habitat. How will “new habitat” including an Oak woodland under story and companion plants be created?

C7.5 | Mitigation Measure 11-1 C: There appear to be very few existing trees including native Oaks in the areas to be included in the conservation easements. It appears that the overall layout of the subdivision did not take into account the relative condition of trees as identified in the Tree Survey conducted by HortScience. For example houses were not sited to take into account trees that would have to be removed due to their poor condition.

C7.6 | For any conservation easement to be successful there must be a funding mechanism for on going professional monitoring and management.

Impact 11-2. Degradation of Existing Visual Character or Quality of Site from SR 29 Scenic Corridor.

C7.4 | Mitigation Measure 11-2? There is no guarantee that establishment of Oak woodland can be fully successful in the long term particularly in soils that have been disturbed by grading.

Alternatives

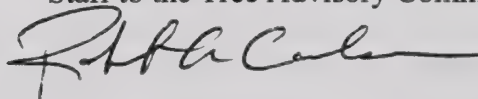
C7.7 | The Commission unanimously recommends the alternative referred to as the Resource Area (“RA”) Alternative consistent with the City of Napa’s General Plan designation for the Napa Oaks property which would allow a total of 10 units on the site. Under that alternative, development would be limited to the northeast corner of the project site and thus preserve vast majority of Oak woodland habitat.

C7.8 | The Commission would also recommend that the undeveloped lands under the RA Alternative be placed in a conservation easement as a condition of development to further protect open space on the site.

Sincerely,

Bill Pramuk, Chair
City of Napa Tree Advisory Commission

By: Robert Carlsen, Parks Superintendent
Staff to the Tree Advisory Commission



cc: Michael McCarty, CRD Director

D1

September 27, 1999

John Yost
Planning Director
Napa Planning Department
PO Box 660
Napa, CA 94559-0660

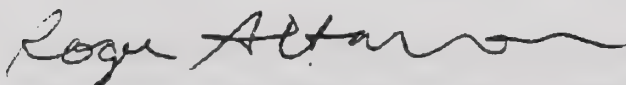
In reply to: Notice of Completion and Availability of Draft EIR Prepared for the Napa Oaks
Subdivision

Dear Mr. Yost,

As the owner of contiguous property (3003 Devita) to the water tank site (43-030-03), I am hereby
raising the following issues:

- D1.1 • Land use planning policy: the number of units planned is excessive
- D1.2 • Storm drainage: the construction of the water tank could result in erosion on my property
- D1.3 • Visual quality: I bought this property to have a country atmosphere; that is to say, without a
giant water tank to look at as my country view
- D1.4 • Noise & vibration: The construction and operation of the water tank could impinge upon my
enjoyment of the peace and quiet that now exists on my property

Sincerely,



Roger Altman
3615 Buchanan Street, #306
San Francisco, CA 94123
415-567-1221, 415-668-5221

D1-1

RECEIVED
 SEP 28 1999
 PLANNING DEPARTMENT

September 24, 1999

John Yost
 Planning Director
 Napa Planning Department
 PO Box 660
 Napa, CA 94559-0660

Dear Mr. Yost,

Please accept this letter as vehement opposition to the "Napa Oaks Subdivision". I was surprised to receive notification that the plan was still in existence, after the result of the City Council meetings we attended.

D2.1 | The hillside is not conducive to construction, due to the instability of the land.

D2.2 | The drainage problem, we who live between Casswall St. and Foster Road suffer during the winter, will only be made worse by the proposed construction.

D2.3 | The existence of only one road for such a large subdivision is of itself a danger. And the
 D2.4 | area will be even more of a fire hazard, should the subdivision be built.

D2.5 | We are told to conserve water, yet this will create a great increase in water consumption.
 D2.6 | (At one of the City Council meetings we were told that a water tank could not be built on the proposed site, yet it still appears on the plan.)

D2.7 | The increase of waste water and sewage proposes a serious health hazard, since the sewer system cannot handle the existing volume, as we saw last winter.

D2.8 | The proposed intersection on Old Sonoma Road creates another hazard.

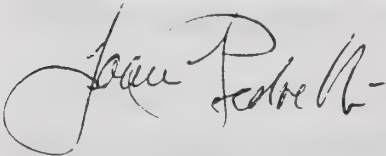
D2.9 | The loss of the area as a wild life habitat is sad. Even deer live in those hills.

D2.10 | From a personal point of view, the number of vehicles that will pass behind my house, causing noise and pollution is of great concern. The possibility of a speeding, out of control vehicle, careening through my fence is also of great concern.

D2.11 | The person who owns the property behind me, over the years has continued to pile earth on his lot (over rubbish he originally piled there), raising the level of his property about four feet near my property line, destroying the natural slope of the hillside. Please note that some of that earth was brought in by City of Napa dump trucks. This has been a constant threat to my property and before we constructed a four foot retaining wall, mud would ooze through my fence, during the winter. It is frightening to contemplate what will happen if a house is built on this land. Should the subdivision be allowed, I will want to know who will be responsible for any damage to my property, since insurance does not cover earth movement.

D2.2 | Please consider all of the unavoidable, adverse impacts this plan will have and I hope you will agree with all of us.....and just say no.

Sincerely,



Joan Pedrelli
205 Casswall Street
Napa, CA 94558

D3

September 23, 1999

Ms. Jean Hasser, AICP
Associate Planner
City of Napa, Planning Department
P.O. Box 660
Napa, CA 94559-0660

RECEIVED

SEP 29 1999

Subject: Napa Oaks Project
Draft Environmental Impact Report

PLANNING DEPARTMENT

Dear Ms. Hasser:

We own the home at 603 Casswall Street. Our lot is situated below the southeast portion of the project. We are greatly concerned that the project as designed (Fig. 1.3 Project Site Plan) will significantly impact our property with respect to increased flows of storm water run-off. We have the same concern to Alternative, "ED-1"-Zoning (Fig. 14.2).

D3.1 | Reference Appendix A, Initial Study and Notice of Preparation, page 6, Environmental Issue Area – under – Discussion, paragraph a). The discussion expresses our concerns. "The project would introduce new impervious surfaces (roofs, driveways, patios) which would change the rate of absorption of drainage and surface water run-off."

The terrain between the back of our lot and the project is very steep, dropping more than 200 feet. Behind our lot is a 4' X 6' X 2 1/2' (nom.) deep storm drain sump that collects storm water run-off from behind the 500 and 600 numbered lots on the west side of Casswall Street. (See marked up Fig. 6.2 attached.) The sump discharges into a 14" 1.0 concrete pipeline that runs through our lot (in a City of Napa easement) down to the storm water collection system in the street. This drain system was either designed or the design approved by the City prior to building the homes in the 500 and 600 block on the west side of Casswall Street more than 40 years ago.

We have lived in this house for 24 years and during periods of heavy rains the drain system runs full. Frequently the 14" dia. pipeline runs at near capacity and additional run-off added to this system will surely overwhelm its ability to carry off the storm water which would then flood our back yard, home and swimming pool.

D3.2 | During the winter rains we constantly monitor the drain ditches and sump, keeping them clean of debris because if the screen protecting the drain pipe becomes clogged, the sump will overflow into our backyard.

D3-1

Ms. Jean Hasser
Page 2
September 23, 1999

D3.1
In reviewing the project site plan, Fig. 1.3 relative to the hillside contour lines, we are concerned that developing Lots 66 through 71 and 75 and 76 will significantly increase storm water run-off and overwhelm the capacity of the existing drain system. The alternative plan shown in Fig. 14.2; Lots 44 through 47 and Lots 50 and 51 have the same run-off problems.

The mitigated alternative, Fig. 14.3 does not appear to create a significant change in storm water flow provided a drain system through pipelines is constructed in the two cul-de-sacs on the east side of the project.

D3.3
On page 6-10, the last sentence in the third paragraph under HEC-1-Modeling Analysis for This EIR: is not true when referring to our property, i.e. the project will not reduce surface flows and groundwater seeps from potentially unstable slopes and might very well increase flooding in our lot at 603 Casswall Street.

We would like the project hydrologist to respond in writing to our concerns. We expect the City of Napa to take our concerns seriously when considering approval of this project and that, if it is approved, adequate steps are taken to prevent increased storm water run-off through the existing drain system.

Sincerely,



Harold and Loraine Halterman
603 Casswall Street
Napa, CA 94558
Telephone: 252-9469

Enclosures: Marked up project drawing.

D3-2

404

NAPA OAKS SUBDIVISION EIR

EXPLANATION

-  Napa City Limits
-  Napa Oaks Boundary
-  Watershed Boundary ✓
-  Proposed Watershed Boundary
-  Existing Pipelines
-  Proposed Pipelines

14" DIA. STORM
DRAIN PIPE LINE
603 CASSWALL

RECEIVED
SEP 29 1999
PLANNING DEPARTMENT

Source: West Yost Associates

Figure 6.2
Proposed Drainage Pattern and
Facilities for Old Sonoma Road
Option

NAPA OAKS SUBDIVISION - DRAFT EIR

D3-3



NAPA OAKS SUBDIVISION EIR

EXPLANATION

-  Proposed residential unit
-  Conservation easement area
-  Agricultural setback zone

1 Lot number

LOT NO.	SQUARE FEET	LOT NO.	SQUARE FEET
1	22,961	44	17,395
2	59,349	45	14,924
3	78,100	46	14,924
4	55,622	47	16,158
5	49,860	48	18,417
6	35,755	49	15,000
7	25,420	50	15,000
8	27,605	51	18,966
9	22,500	52	22,557
10	22,977	53	20,315
11	24,065	54	19,989
12	25,968	55	26,109
13	26,758	56	23,400
14	98,885	57	23,855
15	132,210	58	20,930
16	42,026	59	17,001
17	23,903	60	32,200
18	20,712	61	38,735
19	25,184	62	49,968
20	28,396	63	35,141
21	34,033	64	28,919
22	37,282	65	26,547
23	27,070	66	39,024
24	23,616	67	39,403
25	44,052	68	19,343
26	39,960	69	25,768
27	40,560	70	34,191
28	40,340	71	29,644
29	44,081	72	36,231
30	55,772	73	25,626
31	39,532	74	18,696
32	42,910	75	81,452
33	39,526	76	86,100
34	55,572	77	43,837
35	45,155	78	20,924
36	40,217	79	89,778
37	39,742	80	106,732
38	39,427	81	21,371
39	41,231	82	15,667
40	28,389	83	13,373
41	49,360	84	19,036
42	38,493	85	18,661
43	29,721		

Figure 1.3
Project Site Plan

D3-4

NAPA OAKS SUBDIVISION EIR



EXPLANATION

- Lot Number
- Square Footage of Lot



Figure 14.2
"ED-1" Zoning Alternative

D3-5

NAPA OAKS SUBDIVISION EIR

EXPLANATION:

-  Development Areas
-  Conservation Easements
-  New Oak Woodland Plantings

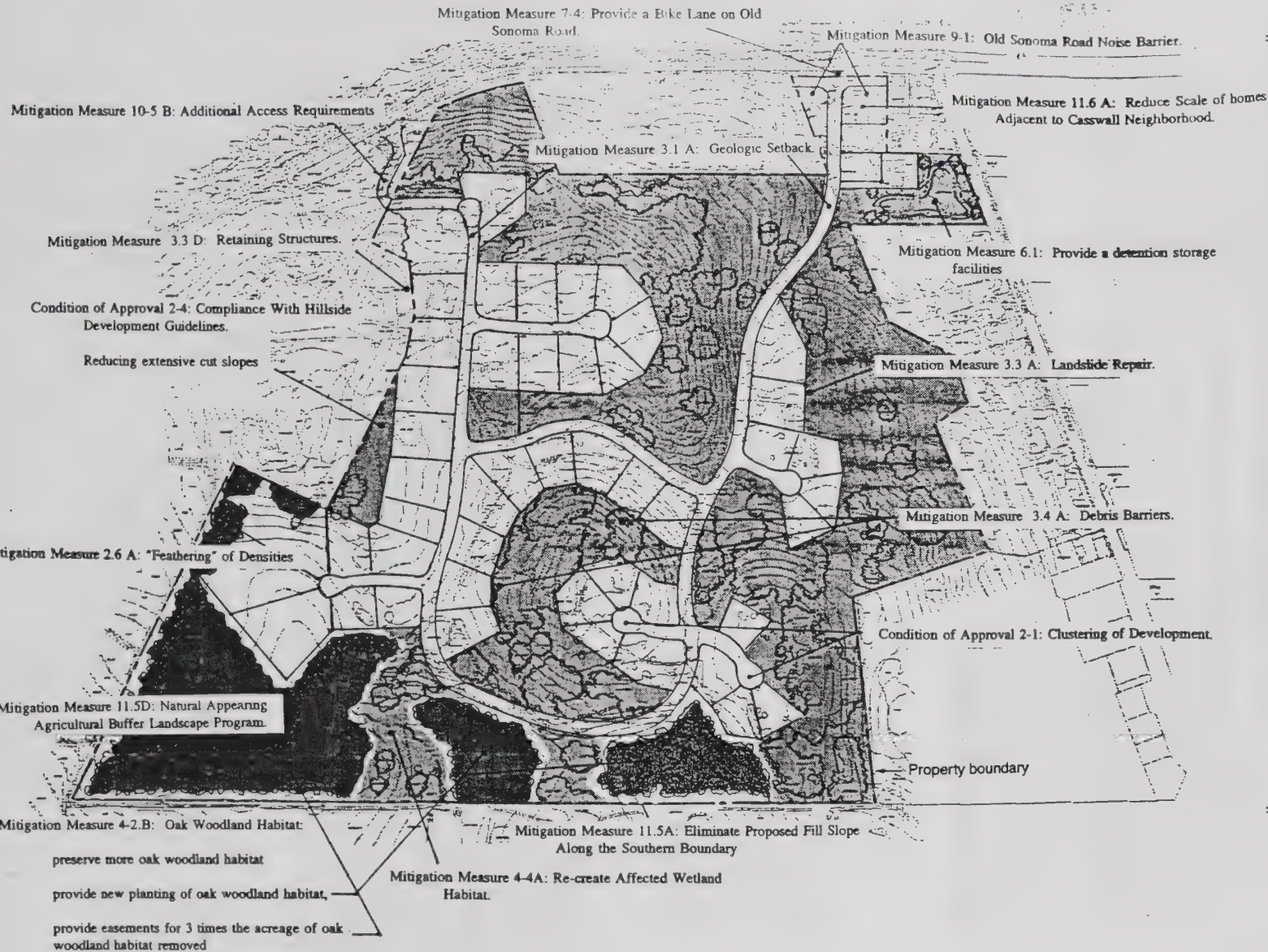


Figure 14.3
Mitigated Alternative

D4.1

I appreciate this opportunity to respond to the effort to re-open the Napa Oaks question. I'm opposed to that effort due to watershed and traffic problems and esthetic concerns. I hope the project is dropped.

D4

RECEIVED

OCT 04 1999

PLANNING DEPARTMENT

Charles R. Ball

Charles R. Ball
2728 Utah St.
Napa, CA 94558-5953

October 1, 1999

D5.1

We have been told by City of Napa officials that there is an unstable hill. It would be foolish to build over 80 homes on an unstable hill! The traffic problem on Old Sonoma Road would be horrendous. We hike the area all the time and there are always many cars going to Sonoma or coming into Napa. The Road is too narrow right now. Rose Eid

D5

Rec'd

10/4

2758

Indran

94558

D5.2

Napa (no P)

September 20, 1999

RECEIVED

D6

Mr. John Yost, Planning Director
Napa Planning Department
PO Box 660
Napa, CA 94559

OCT 04 1999

PLANNING DEPARTMENT

Dear Mr. Yost:

We are writing with regards to the Draft EIR prepared for the Napa Oaks Subdivision. Please consider this letter public comment on the matter. We own the home at 2787 Indiana Street located at the base of the hillside in question, just one house down from Casswall St. We have reviewed the Draft EIR and have serious concerns about the detrimental impact this project will have on us personally, on the character and lifestyle of our neighborhood and the entire community of Napa.

D6-1 We understand that this proposal has come before you on many previous occasions and I am aware of its historical context however the current situation still begs several questions. When will the Planning Department cease to accept proposals that are inconsistent with the General Plan and the zoning regulations on this parcel? How many times must local residents and property owners express their outrage before the City of Napa will disallow further proposals outside the boundaries of the reasonable and sensible limits enforced by the General Plan? We sincerely hope that the Napa Planning Commission will disallow any of the proposed changes to the General Plan and the current zoning, finally forcing the developers to accept the limits of the law and to proceed with development consistent with it. We feel that the City Council was wise in their decision to protect this hillside with a Resource Area designation for a wide range of environmental and safety issues.

Our biggest concerns are as follows:

1. Noise

D6-2 The east side of the site is on the down slope of a steep hill. The acoustics of the hillside amplify noise coming off the hill. Currently, a limited amount of agricultural noise is extremely noticeable to occupants of the homes on the neighboring streets. A pile driver up on the hill sounds like it is coming from our back yard. We are concerned that the noise generated from the occupants of the proposed homes will become unbearable, not to mention the noise of the construction! In estimating future noise levels and discussing mitigating measures the Draft EIR does not adequately address this particular issue: the acoustics of the hillside.

2. Traffic

D6-3
D6-4
D6-5 Old Sonoma Road is very dangerous. Every day we walk our dogs down Casswall and across Old Sonoma Road at this intersection. Quite often we begin walking across the street only to find we must run to get out of the way of a car coming down the hill that we could not see in time. The slope of the hill causes a severe blind spot for quite some way down the hill and cars regularly speed down the hill since drivers cannot see what's ahead and often do not realize they are coming into a residential area. The crossing at Lilienthal is closer to this rise and even more dangerous than the place where we cross Old Sonoma. Access for the project at Lilienthal Road is absolutely not adequate and will cause a severe danger to everyone involved. In addition, it will be extremely dangerous to walk, run or ride bikes up or down the hill. I understand that Old Sonoma Road is part of the Bay Trail and we do not feel that the EIR adequately provides for its needs. We also feel that the traffic estimates in the EIR are extremely low. These are very large homes and usually occupants of such homes have three or more cars.

D6-1

3. Geology

D6.6 It is in our view absolutely crazy to densely develop land that has such a steep slope and such serious geological instability. The steep slope alone should be cause for the Planning Commission to dismiss this proposal once and for all. The faults and landslides have the potential for disaster. We have seen the horrific results of poor planning all over the United States and California where structures have been built on unstable ground and landslides or earthquakes have caused huge destruction to similar areas. The General Plan wisely outlaws building densely in such areas and should be adhered to. In our opinion, retaining walls and grading cannot adequately guarantee the safety of our home. The EIR admits to a great deal of speculation with regard to this issue and admits that more instability may be found during the grading and building process. We do not wish to have our lives and home be subject to such risky speculation.

4. Scenic Views, Open Space and Parks and Other Local Resources

D6.7 The beauty of this neighborhood and Napa in general is the open space and agricultural land surrounding it. This hillside is beautiful and should be protected. The EIR notes that this is a severe impact that cannot be mitigated. We need to fiercely guard the open space that exists and that is protected by zoning and the General Plan. In addition, there is not enough access to parks in the neighborhood. The EIR admits that the project will have a serious adverse effect on the local schools however, since it is not considered an "environmental impact" it is not fully addressed in the report. This aspect MUST be considered by the Planning Commission. The local schools are overtaxed to the limit. This project will only make things worse.

5. Biological Resources

D6.10 This hillside is the habitat for wildlife. Quite often we see raptors circling the updrafts. Wetlands, grasslands and oak trees are homes to many creatures. This project would destroy 295 of the beautiful oaks and acres of these habitats. There is no adequate mitigation for this fact. In our opinion, the destruction of this biological treasure is not worth this risky venture.

6. Water

D6.11 This hillside is obviously a watershed area, a fact that can be easily noted by walking down Casswell in a rain storm. This project has the potential to increase runoff problems that already exist to our property and the surrounding neighborhood. The EIR does not resolve these concerns as clearly stated in Chapter 15. In addition, there is no guarantee that the property owners will maintain the drainage and not interfere with the safeguards that are proposed by the developers to attempt some form of mitigation. The plan to install a water tank as a solution to the water source problems that are noted in the EIR is unwise. Not only will it cause a further deterioration of the scenic landscape but will be a hazard in case of a landslide or earthquake.

D6.1 Overall, we feel this is an extremely foolish plan. We will support no less than the full compliance by the project of the current zoning laws and the General Plan as it currently stands. We hope and pray that the Planning Commission and the City Council will agree and take this plan off the drawing board permanently.

Sincerely,

Patricia Jennings
Owners
2787 Indiana St.
Napa, CA 94558
707-265-8922

André La Velle

Isaac Goldstein

3. After the public comment period closes (Oct. 29) the Planning Department must attempt to answer all the comments on file.
4. When the comments on the EIR are answered the project is then scheduled for a planning commission hearing. This will be yet another opportunity for public input.
5. After the planning commission deliberation the project will be heard by the City Council. This will be the final opportunity for public input.

I know this is a tough issue. The price of freedom is eternal vigilance. If you want to make comments about the environmental issues of the Napa Oaks project, fill out the lines below and mail to:

Napa City Planning Department

P.O. Box 660

Napa, CA 94559

D7

D7.1
I was concerned with the results
of the first study left on my
desk regarding erosion, noise,
and traffic. I am still very con-
cerned with these issues and I
regardless DO NOT WANT A DEVELOPMENT
AT THIS LOCATION. The pristine beauty
of this oak-studded property
must be preserved. The need
to make housing of the type
this development offers I said
it before... I moved from →
Dallas, Texas, where I lived
for 30 years, to avoid this
type of development sprawl.

Thanks, Brad

Sincerely,

Paula Phillips

706 Casswell St.

Napa, CA 94558

RECEIVED

Wagen News

Old Sonoma Edition

OCT 04 1999

A newsletter from District 1 Supervisor Brad Wagenknecht
Phone 253-4828, E-mail - bwagenkn@co.napa.ca.us

PLANNING DEPARTMENT

It's back... Napa Oaks is back. Just when you thought the hills were safe it reappears. The last we all saw Napa Oaks was in December of 1998. The City Council voted makes the new general plan reflect the environmental, traffic and aesthetic concerns of the community. The Council changed the general plan designation from Estate/Residential to Resource area. We all thought we were done with that. I personally felt we had responded to neighborhood concerns while giving the owners a clear picture of their property's development potential.

This last weekend I talked to Mrs. Devita and Jeanne Cervone and they informed me that the Napa Oak developers were moving forward with their previous project.

At this point the City has been very clear about the types of proposals they would like to get. This is a case of the developers not wanting to work with the City.

Unfortunately the citizens would be wise to make their case again.

John Yost the City's planning director outlined the process for community input.

1. Comment on the Environmental Impact Report (EIR). You can do it two ways. First, there will be a planning commission hearing Thursday September 30 at City Hall 7pm. Second written comments will be accepted at the Planning Department (in the old Wells Fargo building) until October 29th.
2. Copies of the EIR are available for viewing at the Napa City/County Library. The EIR is also available to be checked out from the Planning Department.
3. After the public comment period closes (Oct. 29) the Planning Department must attempt to answer all the comments on file.
4. When the comments on the EIR are answered the project is then scheduled for a planning commission hearing. This will be yet another opportunity for public input.
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I know this is a tough issue. The price of freedom is eternal vigilance. If you want to make comments about the environmental issues of the Napa Oaks project, fill out the lines below and mail to:

Napa City Planning Department
P.O. Box 660
Napa, CA 94559

D8

D8.1
We are very much against this. With
the amount of homes to be built you can
figure at least 176 more cars at least.
Not likely more than that. Then the view
we have of the city hills with the cows
grazing on them will be gone. Old Sonoma
Road and Casswood will be a race track

Fred and Irene Thomas
2776 Illinois St.
NAPA, CA 94558

done with that. I personally felt we had responded to neighborhood concerns while giving the owners a clear picture of their property's development potential.

This last weekend I talked to Mrs. Devita and Jeanne Cervone and they informed me that the Napa Oak developers were moving forward with their previous project.

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I know this is a tough issue. The price of freedom is eternal vigilance. If you want to make comments about the environmental issues of the Napa Oaks project, fill out the lines below and mail to:

Napa City Planning Department
P.O. Box 660
Napa, CA 94559

D9

D9.1
There is not a day that goes by that I
do not enjoy & appreciate the beauty of
this oak studded hillside. Please do
not let a developer destroy this. Also very
concerned about the increased traffic this
project would bring to Old Sonoma Rd + Foster Rd.

Violet Zuffo
2783 Illinois St.

RECEIVED

D10

OCT 05 1999

PLANNING DEPARTMENT

Napa City Planning Department
P.O. Box 660
Napa, C.A. 94559

To whom it may concern:

Re: Proposed Napa Oaks Development

D10.1 | My wife and I bought our home in June of 1982. A good part of the attraction of the
D10.2 | house was the neighborhood and the open hill space to our west. Building houses there
D10.3 | would "decrease" the value of our home from our perspective. We also looked for a quiet
D10.1 | area in terms of traffic. Old Sonoma Road at the "notch", just west of Casswell St., would
be at an increased traffic accident risk with the addition of 80 houses to the immediate
south. There is also the issue of school. Currently Snow Elementary on Foster Road is
over capacity. Where do we propose to educate children of this age group that might
move into the new development with their family? We are not pleased with the proposal
of Napa Oaks. We feel no building on the proposed site is necessary or viable and
strongly urge you to reject the request of the developers.

Thank you for your consideration on this matter.

Sincerely,

Tod & Gigi Bechtol

Tod & Gigi Bechtol
2774 Idaho St.
Napa, CA 94558

D10-1

I know this is a tough issue. The price of freedom is eternal vigilance. If you want to make comments about the environmental issues of the Napa Oaks project, fill out the lines below and mail to:

Napa City Planning Department
P.O. Box 660
Napa, CA 94559

D11

I have lived at the bottom of the hill
where Napa Oaks wants to build
houses. Every winter I have watched
the erosion run down my street.
Some winters, it looks like a river
of mud. Us voting taxpayers voted a
few years ago to stop rapid growth
in Napa. Do you care what the
tax payers want? If Napa is going
to keep its enviable charm, we
must STOP building on our few
(over)

remaining hillsides.

A Napa tax payer for the
past 41 years.

Myrtle E. Cochran
2790 Idaho St.
Napa, Ca. 94558

Myrtle E. Cochran

D12.1

The hill behind Casswall St. is one of the prettiest in Napa, and, as residents, we do not want it torn up with houses - more people and cars. Casswall is a favorite walking street, and we don't want or need any more traffic on it or Old Sonoma Rd or coming down the streets that deadend into Casswall St. We want to enjoy seeing the cows and deer on the hill NOT HOUSES-CARS-NOISE

TRAFFIC - CONGESTION - MORE RAIN-RUNOFF etc

NO TO NAPA OAKS

[no addr. info]

D12

PLANNING DEPARTMENT

OCT 14 1999

RECEIVED

D13

*James E. and Joan M. Lang
360 Pickwick Drive
Napa, CA 94558*

*phone (707) 252-2461
fax (707) 252-1462
e-mail joanmlang@hotmail.com*

RECEIVED

OCT 15 1999

October 12, 1999

PLANNING DEPARTMENT

John Yost
Planning Director
Napa Planning Department
P.O. Box 660
Napa, CA 94559-0660

Dear Mr. Yost,

D13-1
This letter concerns Davidson Homes, which is applying to build the Napa Oaks Subdivision on top of the city's western hillside. We recently purchased a home on Pickwick Drive, just a few blocks from these hills. One of the attractions of this area was the natural beauty and peacefulness of the hills. It would be a shame for everyone in the area, as well as the City of Napa, to lose that priceless beauty to this proposed development.

We are not against all development. The commercial renovation planned for the downtown area is very exciting, and we believe it will be beneficial to the City and its inhabitants. We recently took the hillside vineyard tour offered locally, and know that these vineyards help to give Napa Valley its famous charm. But please consider carefully the consequences of subdividing our hillsides into residential housing. We favor permanent protection for open space and agriculture on the hillsides, and are firmly opposed to residential development there. Thank you for your time and attention to this serious matter.

Sincerely,

James E. Lang

Joan M. Lang

James E. Lang and Joan M. Lang

D13-1

Napa City Planning Commission:-

D14

Money hungry developers never give up - do they? - even if it means ruining the beautiful skyline of Napa.

D14.1
Developing of Napa Oaks could possibly add 800 car trips per day to the Old Sonoma Road. Between the proposed development site on Old Sonoma Road ^{and} Highway 12 (is unpatrolled for the most part ^{and}) has become a "freeway". Everything from tour buses, limousines - huge trucks galore ^{and} too many cars - trying to "mix in" with the thick slow-moving agricultural machinery. This is what is supposed to be a "green belt" with no houses to be allowed on less than 40 acres.

On my rides up Highway 29 ^{and} Highway 12 there is plenty of property at the base of hills that could be developed with homes without robbing the oak tree created beauty of the hills of Napa.

Don't "cave in" to political pressure to the blighting of the remaining beauty of our city.

RECEIVED

OCT 15 1999

PLANNING DEPARTMENT

Thank you

Barbara Williams
a resident of 4135 Old Sonoma Rd
for 42 years

2775 Utah St. (Since August 1957)
Napa, CA 94558-5962

RECEIVED

D15

OCT 20 1999

October 18, 1999

PLANNING DEPARTMENT

John Yost, Planning Director
Napa Planning Department
P. O. Box 660
Napa, CA 94559-0660

Subject: Napa Oaks Project

Dear Mr. Yost:

The Napa Oaks Subdivision should not be allowed to go forward as it poses a big threat to the environmental issue of traffic control/circulation. If the entrance to the Napa Oaks project is allowed on Old Sonoma Road and Lilienthal Avenue, it will soon be called "Suicide Corners."

D15.1
The Draft EIR, states that in traffic collision data covered for the period between January 1, 1995 and September 30, 1997 the intersection of Old Sonoma Road/Lilienthal Avenue had zero accidents in this time period. I'm sure this is based on accidents that were reported to the proper authorities. Let me also quote the report that "five intersections had accident rates higher than the average accident rate." Cars travel already at high speeds up the hill at this location and cars come over the hill and down Old Sonoma road at a very fast pace.

D15.2
The Draft EIR fails to address the intersection Level of Service, Existing Traffic Conditions of Casswall Street/Old Sonoma Road and Foothill Boulevard/Old Sonoma Road.

D15.1
Have you ever tried to make a right turn from Casswall Street going east on Old Sonoma Road? It is very hard to see the fast-moving traffic coming down from the "notch" of Old Sonoma Road. The resident who lives at the corner of Old Sonoma Road and Casswall Street has a tall fence pillar there blocking views of the road.

With all the traffic created by 83 new homes at the Napa Oaks Subdivision, there is bound to be some real trouble, whether or not the entrance has a stop sign or signal light installed.

Sincerely,

Scott Tandy

Scott Tandy

D15-1

must attempt to answer all the comments on file.

4. When the comments on the EIR are answered the project is then scheduled for a planning commission hearing. This will be yet another opportunity for public input.
5. After the planning commission deliberation the project will be heard by the City Council. This will be the final opportunity for public input.

I know this is a tough issue. The price of freedom is eternal vigilance. If you want to make comments about the environmental issues of the Napa Oaks project, fill out the lines below and mail to:

D16

Napa City Planning Department
P.O. Box 660
Napa, CA 94559

Here we go again! I thought Napa Oaks was dead & buried.

I strongly oppose this development!

Has the fault line disappeared along with the erosion problems? I am also concerned about the traffic impact in this area.

Why destroy our beautiful countryside by building houses and paving it over with cement?

-over-

Where is our local government and planning commission?

Will big money and mitigation win over common sense and the will of the people?

Why don't you people wake up and smell the coffee?

A concerned citizen.

Sybil Hartdegen
2719 Idaho St.
Napa, Ca. 94558

D16.1

John Yost - Nepa City Planning Dept

D17

We definitely do not want the
Napa Oaks to be built on these hills
there are. The hills are too steep as
the run off of water will be terrible -
the traffic will be another concern, and
also we thought there was an ordinance
about building on these hillside
which are too steep, and also they'll
cut down all the oak trees.

No-on-The-Oaks = Bob + Ann McNeill = 5744 Iowa ST

D17.1

RECEIVED
OCT 25 1983
PLANNING DEPARTMENT

20110

Sherwood's

D18

RECEIVED

OCT 25 1999

To Mr John Yost -

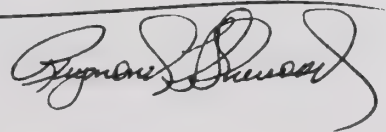
PLANNING DEPARTMENT

Dear Sir: Please reconsider the approve
of the Napa Oaks Subdivision, due to the
falling Traffic

1-up and down driveway on a bad hill
2-excess traffic on Casswall St.

3-with 83 more houses in the
sub-division would include another
166 or Vehicles in the area, 2 or
Vehicles at least to each home
4 let the Davidson Homes People go
home and foul up there own City.

Stop Foul ing up Napa City.



RL & V.L. Sherwood
2788 Utah St.
Napa, CA 94558-5853

D18.1

RECEIVED

D19

OCT 26 1999

Dear Jean, PLANNING DEPARTMENT

D19.1
Living at the corner of Idaho St. and Casswall all of my life, I have concerns about NAPA OAKS Subdivision. Although I have not reviewed the EIR I do have extensive knowledge of the proposed area. My childhood was spent hiking these hills and learning about the wildlife they contain. There are animals on these hills that are found nowhere else in the NAPA Valley. Destroying ~~there~~ habitat would eliminate them from the beautiful valley we all call home.

D19.2
My late father was a civil engineer. He also had a degree in forestry, so he knew alot about flora and fauna as well as geology. He imparted a thought to me about the proposed site before he died. He said that building on a seismic fault is like walking on water, it can't happen. I can show you this fault line if you care to see it. I've watched it grow all my life. Please do not let this development happen, it can only bring harm to the NAPA VALLEY.

Thank you for listening,
Scott L. Crandall 35 yrs. old

2796 Idaho St
Napa CA 94558

D19-1

D20

October 25, 1999

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OCT 27 1999

PLANNING DEPARTMENT

City of Napa Planning Department
1600 1st Street, P.O. Box 660
Napa, CA 94559

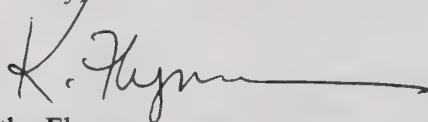
Atten: Ms. Jean Hasser, AICP
Assoc. Planner

Dear Ms. Hasser,

D20.1
D20.2
D20.3
This letter is to let you know how important it is to my husband and myself that Napa Oaks Subdivision be stopped. We live at 105 Lilienthal Avenue, which has Old Sonoma Road as its cross street. We purchased this house last year – our first home – and the main reason we moved into that area was because of the beauty and serenity of the surrounding hills. I would never moved to the little street that we live on if I thought that I would have to hear tractors ripping up the green hillsides and construction workers banging away all day long. We are worried enough about the amount of traffic that zooms up and down Old Sonoma Road day and night. A new subdivision will increase traffic to a huge scale and needless to say, the noise pollution will increase. I also expect a great upset to the bird and other wildlife population.

D20.1
Imagine if this subdivision were going to be built next to your house. Understandably, you would be upset. This will bring nothing good to our area, in fact, everyone on our street that I have spoken with expects that the value of our property will decrease as a result of tearing up our majestic hillsides. **Please reconsider this Napa Oaks Subdivision!**

Sincerely,



Kathy Flynn

105 Lilienthal
Napa 94558

D20-1

Charles McCrum
Ruth McCrum
451 Somerset Place
Napa, Ca 94558

D21

City of Napa Planning Dept
1600 1st St, PO Box 460
Napa, Ca 94559-0660
10/25/99

RECEIVED

OCT 27 1999

PLANNING DEPARTMENT

Dear Ms. Jean Hassler:

D21-1
We are writing to protest the Napa Oaks Subdivision. We live at the bottom of the beautiful Oak Studded Hills near Caswell St. The building of even 10 homes, let alone 80 would greatly affect us. Increased Traffic, noise, the surrounding area would change dramatically, our quiet neighborhood would be no more! The hills above us are beautiful and I dread the thought of huge homes on top of them. Does Napa really need 80 4000sq homes? We don't think so. Please vote no on this Subdivision. Keep Napa rural!

Thank You.

Ruth McCrum
Charles A. McCrum

D21-1

RECEIVED

10/25/99

D22

OCT 27 1999

①

PLANNING DEPARTMENT

Mr. Jean Hasser,

In regards to the Papa Cafe -

We live on Lilienthal Ave. and having the entrance to this subdivision directly across from our street will create more traffic on our street, we have families with small children plus a lot of foot traffic by walkers. Cars coming down Old Sonoma St. could not stop for left hand turn cars or cars darting across to our street.

I thought our Oak trees were protected, even if they leave most trees in tact it would be just a matter of a few years and they will all die from too much water and chemicals. Also where is this water tower they speak of going to be located on the north side of the O.S. road

and how is it to be piped to the south side and what kind of an eye sore will this tower be. ②

Our main objection is not only will we lose the beauty of the Hill side, the traffic impact on old Sonoma St., Casswell and Foster St. will be a disaster. How many injuries or deaths will it take before they realize this is not a safe place for this much extra traffic.

Sincerely,

Lew & Dolly Reynolds
116 Lilienthal Ave.

94558

RECEIVED

OCT 27 1999

PLANNING DEPARTMENT

D22.1

D22.2

D22.3

D22.4

At this point the City has been very clear about the types of proposals they would like to get. This is a case of the developers not wanting to work with the City.

Unfortunately the citizens would be wise to make their case again.

John Yost the City's planning director outlined the process for community input.

1. Comment on the Environmental Impact Report (EIR). You can do it two ways. First, there will be a planning commission hearing Thursday September 30 at City Hall 7pm. Second written comments will be accepted at the Planning Department (in the old Wells Fargo building) until October 29th.
2. Copies of the EIR are available for viewing at the Napa City/County Library. The EIR is also available to be checked out from the Planning Department.
3. After the public comment period closes (Oct. 29) the Planning Department must attempt to answer all the comments on file.
4. When the comments on the EIR are answered the project is then scheduled for a planning commission hearing. This will be yet another opportunity for public input.
5. After the planning commission deliberation the project will be heard by the City Council. This will be the final opportunity for public input.

I know this is a tough issue. The price of freedom is eternal vigilance. If you want to make comments about the environmental issues of the Napa Oaks project, fill out the lines below and mail to:

Napa City Planning Department
P.O. Box 660
Napa, CA 94559

*We do not need Napa Oaks!
in our neighborhood. It'll be
money & mitigation over common
sense, & the well of the people
we like the hills & cows. The
traffic on Old Sonoma Road is
a freeway now. please no more
cars & don't destroy our hills
with houses.*

*Jim & Dorothy Russell
3735 Idaho St.
Napa, Ca. 94558*

D23

Rec'd
10/27/99

D23

Oct - 27, 1999

D24

D24.1

To: City Planning Department

I say 100 more vehicles per day on Foster Road is too many. It is a busy street now. Do not want any more vehicles.

D24.2

About the runoff. During the rainy season our backyard is flooded. Do not make that worse.

D24.3

Please do not build on our beautiful hill —

RECEIVED

OCT 27 1999

PLANNING DEPARTMENT

Sincerely

Ethelene Whitley

651 Foster Rd

- **Impact 7-3: Increased Traffic Volumes on Foster Road.** Traffic generated by the Project will add approximately 100 vehicles per day on Foster Road, which already carries more vehicles than prescribed for a residential collector street. However, the Project's contribution of traffic to this street is projected to result in an approximate increase of 3% in total traffic volume. This 3% increase is considered to be a *less than significant impact*.

Traffic volumes on Foster Road are projected to increase from the existing condition of 3,300 vehicles per day to 3,400 vehicles per day when Project traffic is added to the circulation network. This represents an increase of 100 vehicles, or less than a 3 percent increase in traffic volume.

Foster Road is both a collector street and a residential street. The Napa General Plan indicates that "collector street with volumes in excess of 3,000 vehicles may impact adjoining residences, requiring mitigation" even though the street segment and adjoining intersections would operate at levels of service A or B. Although Foster Road is fully developed with existing residences between Imola Avenue West and Old Sonoma Road, such that new development is not likely, most of this existing development directly fronts onto Foster Road. The volume of traffic on Foster Road makes it difficult for safe ingress and egress from private driveways onto Foster Road. However, because these high traffic volumes already exist, and the Project's contribution is considered to be less than significant (less than 3 percent), this is considered to be an insignificant Project impact and no mitigation is necessary.

RECEIVED

OCT 27 1999

PLANNING DEPARTMENT

7 Napa, City of. *Envision Napa 2020, Policy Document*. December 1998. Table 3-2.

NAPA OAKS SUBDIVISION - DRAFT EIR • 7-23

100-YEAR RUNOFF

- **Impact 6.1: Increased Runoff Under 100-Year Design Flow Conditions.** Development of the Project will result in increased runoff as a result of increased impervious surfaces, changes in tributary area and construction of piped conveyance facilities (see Table 6-2 for the expected changes in peak runoff flows from the Project area). These increased flows represent a *potentially significant* environmental impact.

Under a 100-year flood flow condition, the runoff tributary to the Old Sonoma Road drainage is estimated to increase by 69 cfs (increased to 134 cfs with the Project, from 65 cfs without the Project), and the runoff tributary to the Raynes Creek drainage is estimated to be increased by 37 cfs (increased to 75 cfs with the Project, from 38 cfs without the Project). The flows to Casswall Street would be reduced from 49 cfs without the Project to 29 cfs with the Project. Similarly, the flows to Raynes Pond would also be reduced from 13 cfs without the Project to 6 cfs with the Project.

The Project's proposed site grading and street drainage facilities would modify the existing drainage pattern, increasing the drainage area tributary to Old Sonoma Road and Raynes Creek, and decreasing the areas tributary to Casswall Street, Raynes Pond and Congress Valley Creek. Figure 6-2 shows the new proposed watershed boundaries and drainage pipeline facilities.

MCCUTCHEN

MCCUTCHEN, DOYLE, BROWN & ENESEN, LLP

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Taipei

D25

ATTORNEYS AT LAW

Fax Cover Page

Date: October 28, 1999

To: **John Yost - Napa Planning Department**
fax: 1 707 257-9522 voice: 707 257-9530

cc: **Mr. James G. Moose - Remy, Thomas and Moose, LLP**
fax: 1 916 443-9017 voice: 916 443-2745

Jeffrey R. Thayer - Davidon Homes
fax: 256-0140 voice: 945-8000

From: **Marie A. Cooper**
fax: (925) 975-5390 voice: (925) 975-5367 mcooper@mdbe.com

Number of pages (including this page): 4
For fax transmission problems, please call (925) 975-5386.

Message:

D25-1

WARNING:

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71599-142

MCCUTCHEN

MCCUTCHEN, DOYLE, BROWN & ENESEN, LLP

October 28, 1999

Direct: (925) 975-5367
mcooper@mdbe.com

VIA FACSIMILE

Mr. John Yost
Planning Director
Napa Planning Dept.
P.O. Box 660
Napa, CA 94559-0660

Napa Oaks Draft EIR; Napa Oaks Project Our File No. 71599-142

Dear Mr. Yost:

Davidon Homes submits the following comments on the Napa Oaks Draft EIR and on the Napa Oaks project.

D25.1 The City states that Davidon's application was "Accepted As Complete: June 13, 1999." We note for the record that all Davidon's applications except the general plan amendment application were submitted to the City and accepted as complete in 1997. Davidon has not amended any of those 1997 applications. It has simply submitted an additional application for a general plan amendment.

D25.2 We also note that the Planning Commission recommended the SFR general plan designation for the Napa Oaks site to the Council in late 1998. In so doing, the Planning Commission already determined that the SFR designation is consistent with all other applicable provisions of *Envision Napa 2020*, and the Commission determined that the EIR for *Envision Napa 2020* already adequately evaluated all impacts of the SFR land use designation at Napa Oaks. No evidence has been presented which would justify a change in those conclusions.

D25.3 The discussions of impact 2-5 indicate that the Project could result in a reduction of pesticide and fertilizer use, a reduction in dust generation, a reduction in odors, a reduction in chemical spray drift, a reduction in noise, and a reduction in other nuisance activities. The EIR calls this a significant adverse impact, which under CEQA must be

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D25-2

October 28, 1999

Page 2

mitigated if feasible. We fail to see how a reduction in adverse environmental conditions can be an adverse environmental impact.

D25.4 The discussion of Geological Impacts analyzes impacts of the environment on houses to be built within the project. This is not an impact of the Project on the environment, and its analysis is beyond the scope of CEQA. *Baird v. County of Contra Costa*, 32 Cal. App. 4th 1464 (1995) (any effect of the environment on a proposed project and its residents is beyond the scope of CEQA). Again, accordingly, mitigation measures are not required by CEQA. Moreover, to the extent the City addresses these measures from a health and safety perspective, we agree that it is better to leave the details of the specific protective measures to the expert opinions of the City's and Davidson's engineers. It appears that the conditions are drafted with this goal in mind.

D25.5 The mitigation measure for Impact 4-4 would require construction of specific wetland habitat. We request that this mitigation measure be clarified to ensure that the habitat will be that which is acceptable to the Army Corps of Engineers, so that we do not risk locking the Project into a mitigation plan that could be inconsistent with what the Corps requires.

D25.6 Condition of approval 5-1B would require a retrofit of four existing residences with low-flow fixtures. We understand that City policy is to accept payment of a fee in satisfaction of such a condition.

D25.7 We want to clarify that the water tank listed as a mitigation measure is the same water tank that is already included in the Project description.

D25.8 With regard to impact 6-2, relating to water quality in storm water runoff, the EIR proposes to impose the usual and standard mitigation measures of compliance with City and Regional Water Quality Control Board standards, and Best Management Practices. The EIR further acknowledges that these mitigation measures "will likely avoid all significant effects." (Page 6-17) Yet the EIR concludes the impact remains potentially significant because the authors cannot be absolutely *certain* that *all* pollution will be eliminated. The conclusion that impacts remain potentially significant when the mitigation measures "will likely" work is contrary to the significance criteria stated at the beginning of the chapter. Moreover, the requirements of absolute certainty and complete avoidance of any contaminants — even insignificant levels of contaminants — are ones that neither I nor my client has ever encountered before in an EIR. One can never have absolute certainty when one is predicting the future. The EIR does not explain why absolute certainty and complete

D25-3

October 28, 1999

Page 3

avoidance are the standards for this one particular impact, nor why those standards should be considered reasonable.

D25.9 To ensure this Project is being evaluated based on the same objective criteria as other projects, please explain whether and under what circumstances absolute certainty has been required in a mitigation measure for any City-approved project, or any project the City has decided to carry out or has carried out, in the last five years. Please also explain whether and under what circumstances the City has previously found a potentially significant impact for storm water runoff when compliance with City standards, RWQCB standards and Best Management Practices was imposed as mitigation.

D25.10 The traffic chapter simply posits that impacts are significant if the Project does not include a bicycle lane. However, the EIR also explains that the General Plan shows a need for a bicycle lane when the Napa Oaks site is designated RA. This latter statement indicates there is no nexus between the proposed bicycle lane and the Project. Common sense dictates that use of the bike lane will not be restricted to residents of Napa Oaks. Please explain the nexus, if any, between the number of units proposed for the Project and the need for a bicycle lane along the Napa Oaks Project frontage south to Casswall Street. This comment pertains to the discussion and mitigation for Impact 10-9 as well.

D25.11 Impacts 8-5, 9-3 and 9-4 are impacts of adjacent agricultural uses on Project residents. Again, impacts of the environment on the Project are not within the scope of CEQA, so no mitigation measures are necessary under CEQA.

D25.12 The Visual Impacts chapter proposes to eliminate lots in order to eliminate visual impacts. Please explain why less drastic mitigation measures — such as screening — would not reduce the impacts to levels less than significant. The EIR's conclusion that some impacts are unavoidable is especially puzzling in light of the fact that the 1998 Administrative Draft EIR — upon which the Council relied in adopting *Envision Napa 2020*, and which the Council cited as part of the record of proceedings for that general plan — concluded that all visual impacts could be mitigated to a level less than significant.

D25.13 We also want to confirm that the revised Figure 11.9 will be included in the FEIR, to ensure that the illustration depicts the information that is already in the text regarding lots 26, 27 and 48.

D25.14 The discussion of impact 10-8 indicates that parks in the area are deficient, but concludes the Project will not have a significant impact. Mitigation in the form of City Park

D25-4

October 28, 1999

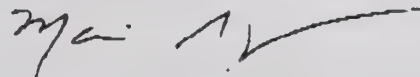
Page 4

Fees is nonetheless required. Please confirm that through payment of the fees, the Project will offset *any* impact (or contribution towards cumulative impact) the Project might have on the need for parks.

D25.15
Finally, the EIR in several instances proposes elimination of lots in furtherance of various density buffering concepts. We want to point out the importance of some of the statements at the Planning Commission hearing in this regard. A resident of the Casswall neighborhood complained that the Project would not be compatible with his neighborhood, because the Project is not comprised of small, high-density housing as is the Casswall area. Conversely, Dr. Truchard complained to me that he opposes the Napa Oaks project because he believes housing is not compatible with his adjacent vineyards. These statements show that the low-density residential uses of the Project *are* the proper buffer between the high density Casswall neighborhood on one side and the vineyards on the other side of the property.

Proposing buffers between land uses is a policy decision for the City to determine, not an environmental issue per se. In any event, it makes no sense to discuss buffer zones within the project, since the project site is itself a buffer between agricultural and residential uses. It appears that this role of the entire site as a buffer is why the land is and has for some time been within the City's RUL, why it was designated for 0-3 units/acre when Davidon's applications were submitted, and why this Commission recommended the SFR, 0-2 units/acre designation for the site last year.

Very truly yours,



Marie A. Cooper

cc: Jim Moose
Jeffrey Thayer

D25-5

D27

RECEIVED

OCT 28 1999

PLANNING DEPARTMENT

Oct 26, 1999

RE: Napa Oaks Subdivision

Dear Ms. Jean Hassler,

I am for growth in Napa as long as it has a positive effect on the community that it surrounds. In this case, Foster Rd is busy enough as it is. In the mornings I sometimes have to wait five minutes or longer in order to back out onto Foster Rd. From talking with neighbors it sounds like they don't oppose growth in Napa but just that they fear the impact of more cars and noise on Foster Rd.

Please help us save this warm and charming community by stopping the Napa Oaks Subdivision and curbing the extra flow of traffic toward the freeway.

Thank you,

Gary Martin

Home Owner @ 420 Foster Dr. 94559

D27-1

D28

To City Planning Dept.

I have lived at 2773 Idaho St. since 1951, we were the first family to move into our home.

We have enjoyed our hill so very much, it has been like living in the country.

D28!
I am against having such big homes to spoil our hill, plus the traffic is very bad now and will be much worse with that many more homes.

We hope it will not pass the planning dept.

RECEIVED

OCT 28 1999

PLANNING DEPARTMENT

Thank you
Helen Simpkins
2773 Idaho St.

TRUCHARD VINEYARDS

D29

To: Ms. Jean Hasser, AICP
Associate Planner
City of Napa Planning Department
1600 First Street, PO Box 660
Napa, Ca 94559-0660

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OCT 28 1999

PLANNING DEPARTMENT

D29-1

TRUCHARD VINEYARDS

TO: MS. JEAN HASSER, AICP

October 27, 1999

D29.1 | I have a problem with the word mitigate. In almost the entire report, suggestions are always made to "mitigate" the undesirable aspects and then the impact is always "less than significant". This seems like magical wishful thinking. What is the meaning of "less than significant"? I feel that this is a way to confuse and soothe the protesting public.

D29.2 | IMPACT 2-5: Decreasing the lot size to one acre along the southwestern RUL would still retain many homesites immediately against an intensive agricultural area. There is over 3000 feet of direct agricultural contact. The eighty foot setback is a joke. It simply means the back of the house is eighty feet from the property line. What about the gardens, swimming pools, tennis courts, children playing, etc? Again this concept misses the point. A much wider buffer would be much more appropriate.

D29.4 | GEOLOGICAL IMPACT: This section seems the most inadequate in the EIR. How can you mitigate something to less than significant with various seismic activity? There is yet a lot of things unknown about construction that minimizes destruction. What criteria is used to say the impact can be mitigated away? The West Napa Fault is very splintered in this area. I do not feel that the EIR addresses this very seriously.

D29.5 | I have not seen any report on the geologic conditions at the water tank site. This is very close to the West Napa Fault. I have drilled water wells very near this area and the evidence exists that the fault is very near the site. This is of extreme concern for if this tank should rupture, there would be devastation on both-sides of the ridge. Should this tank site become closer to reality, it will be challenged extensively.

| Again, on the maps I see no setbacks of the houses where the splintered faults are presumed to be. Perhaps a map showing this would be in order.

D29.4 | How can the damage of an earthquake be mitigated to less than significant when it is never known exactly what size of earthquake will occur in any particular area?

TRUCHARD VINEYARDS

D29.7 | IMPACT 3.5: Some of the proposed development is on land that is too steep for hillside vineyard planting. Should not the same rules apply to hillside home development? After all in vineyard development there are usually not such extensive cuts and fills. Extensive cuts and fills certainly have the potential for adverse affects. Sometimes in these situations, the natural underground drainage is changed. How can all this be mitigated to less than significant?

D29.8 | IMPACT 4-2: Removal of Coast Live Oak Woodland: How can the natural beauty be preserved when so many oaks are removed and replaced by unnatural trees such as Lombardy Poplars? How can one say that this is mitigated to less than significant?

D29.9 | MITIGATION MEASURE 5-2A : Construct a New Water Storage Tank: Has the site been checked for fault traces? This is a very visual site both from Congress Valley and the City of Napa. This will be fought very intensely employing every resource possible.

IMPACT 6-1: Increased Runoff under 100 Year Design Flow

IMPACT 6-2: Water Quality Impacts

D29.10 | Many vineyards below the project have appropriated water rights from the State Water Resources Board. Why have water quality effects not been addressed in this matter? From a residential area there may be many pollutants that are harmful to the vineyards irrigated from the water below. Why is there no water detention facility above the Raynes reservoir? Even with detention ponds, much silt will be brought into the Raynes reservoir and creek.

D29.11 | FIGURE 6.3: It appears in the figure that the watershed to Raynes Reservoir will be significantly reduced. This will affect the appropriated waterright to that reservoir. The watershed boundary to the Raynes creek watershed also seems to be shifted. Altering watershed boundaries is a serious matter.

D29.12 | MITIGATION MEASURE 6.2C: The potential pollution of the water collected in the agricultural reservoirs continues to be of great concern. From previous experience, to simply put a sign "Do not pollute" is similar to a sign on the highway "Do not litter" and sometimes maintainence deteriorates several years later.

TRUCHARD VINEYARDS

FIGURE 2.6: Extent of Proposed Cut and Fill

D29.13 How can you mitigate to less than significant the massive cuts and fills proposed on a geologically unstable area? It appears that approximately 70% of the area is cut or fill. There is no way to mitigate this. The natural beauty would be a thing of the past. This adverse affect would be most significant on the southwest aspect where extensive fills would be very unnatural to say the least.

IMPACT 9-3: Truchard Vineyard Wind Machine Noise

D29.14 What about lots 25 through 32? I do not believe this will be truly mitigated hence complaints will come forth from these residents.

MITIGATION MEASURE 8-5C: Feathering of Density

D29.15 Many of the lots on the southern border have extensive fill so more houses can be constructed in this area. It is amazing how many lots are crowded into this area. In fact the area close to the agricultural zone is much more dense with lots than the eastern portion.

D29.16 The "Right to Farm" clause is well meant but an irate resident calls the authorities in either the city or county and then these officials doing their duty often lean on the farmer to change his way of doing things. Farming in this area for twenty-five years, one can really question many of these "mitigation measures".

IMPACT 11-13: Degradation of Existing Visual Character or Visual Quality of the Site from Old Sonoma Road

D29.17 To fully mitigate this impact it would be necessary to perhaps elevate these lots. That would also help with the feathering problem mentioned above.

IMPACT 11-5: Impact from Light and Glare

D29.18 This is a significant problem. Often shielded lights are only partly shielded, that is to say if the light is on a hill, which much of this development is, then the light projects down to hills into adjacent rural or urban areas. Often people put very bright spotlights in their back yards for "security reasons". It is very unlikely the city would take any action against a homeowner

TRUCHARD VINEYARDS

D29.18 | just for protecting his property. Sometimes people in the country just enjoy a good dark night where he or she can walk out at night and enjoy the visual array overhead. So I do not believe this impact can be mitigated to any satisfactory level.

Tony Truchard
Tony Truchard
Truchard Vineyards



Larry Albedi
2790 Indiana St.
Napa, CA 94558

RECEIVED

D30

City of Napa Planning Dept.

OCT 29 1999

PLANNING DEPARTMENT

Ms. Jean Hasser

As a resident of Indiana St. (1 house down from Casswall)

I would like to express my concerns and opposition to the
Environmental impact report on the Napa Oaks subdivision.

D30.1
My concern is the potential traffic problems on Old Sonoma
road (near Lilienthal) And Casswall St. The hill on Sonoma is
hazardous without major improvements. These should include a right
turn lane from the subdivision a left turn lane into
it, and side walks on both side of the hill. On Casswall
the proposed " emergency road " has many flaws (a hard turn
for long vehicles added congestion for this residential street
and danger for the pedestrians due to the lack of sidewalks on
Casswall.

Additional problems will be the rain run off with the additional
grading , paving and removal of vegetation.

thank you for reading my objection to building the Napa
Oaks Subdivision

Lawrence Albedi

D30-1

Dear Mr. Hauer -

RECEIVED D31

I am one of many ¹⁹⁸⁹ concerned people who live along Casswall. There isn't anyone to whom I have spoken in my neighborhood and beyond who favors the appalling prospect of 85 homes destroying what should remain open space. It's a last refuge for such diverse wildlife - where would they go?

Casswall, itself, along with Old Sonoma Road would be clogged with traffic with this proposed development. No one in his right mind would allow his children to walk to Snow School on Foster Rd. should traffic increase, and that would be inevitable.

You've heard all the arguments from all of us against Tapa Cakes but somehow they seem to fall on deaf ears. I can't believe the sentiments of a substantial part of the community are dismissed so lightly.

Or is it that developers' money has reached too many city pockets?
Phyllis Crandall-

D31.1

D32

LESLIE R. ERICKSON

lerick1235@aol.com

2785 IOWA STREET
NAPA, CALIFORNIA 94558

TELEPHONE: 707.258.2785
FACSIMILE: 707.258.0253

Ms. Jean Hasser, AICP
Associate Planner
City of Napa Planning Department
1600 First Street, P.O. Box 660
Napa, California 94559-0660

OCT 29 1999
PLANNING DEPARTMENT

October 29, 1999

Re: Napa Oaks Project Draft EIR, September 1999

Dear Ms. Hasser:

D32.1 As you know from our contact several weeks ago, I am vehemently opposed to this proposed project for many reasons. Generally, I oppose further ridgeline development in the Napa Valley at large. Specific to this project as proposed above my neighborhood, I have grave concerns that any development at all in these particular hills would negatively impact the water table, soil stability, and the delicate flora/fauna ecosystem. Traffic would increase. Our already crowded grammar school could be further impacted. The aesthetics of the hills would be forever gone.

The draft EIR is exhaustive and, in general, adequately captures the potential impacts and levels of significance. However, I do not agree that the proposed "mitigation measures and resulting levels of significance" as summarily expressed in Table S-1 really go far enough:

Geological Impacts 3-1...3-9

- D32.2
- ◆ No mention is made of the impact that constructing a 304,000-gallon water storage tank could have on the already unstable hillside above Lilienthal Street. Many houses on that street already have retaining walls to keep slides at bay. How could the hills be stabilized enough to bear the weight of such a water tank? How could anyone guarantee that a seismic event wouldn't flood neighborhoods down slope?
 - ◆ This project could result "in significant adverse impacts related to cut slope stability, fill settlement and stability, and erosion" (*Impact 3.5 - Stability of Graded Slopes*). Having engineering geologists and geotechnical engineers "be present to inspect and test construction of remedial measures" and establishing a City-sponsored geotechnical peer review hardly assures that soil/slope stability won't be compromised. Say construction occurs, the experts say more mitigation needs to be done, and the developer refuses to comply because of costs. What happens then? Must the neighbors then look at pads graded into a hillside already denuded of its native oak and become fearful of slides?
 - ◆ The suggested mitigation factors do not consider how the loss of topsoil might effect my neighbors between Casswall Street and Foster Road. Toe slides can occur anywhere in these hills. The water table is already high in my neighborhood. Will folks on Iowa Street need to run sump pumps under their crawl space foundations as some Idaho Street neighbors already need to do?
- D32.3
- D32.4

D32-1

Biological Impacts 4-1...4-5

- D32.5
- ◆ Contrary to the EIR statement, the loss of 31.2 acres of grassland would negatively impact the ecosystem by shrinking habitat for native animals that successfully coexist with the cattle that sometimes graze there.
- D32.6
- ◆ The project cannot guarantee that new trees planted to replace old, native trees razed by this project will thrive in areas where topsoils have been graded out, nor that the new trees will speedily develop the root systems and canopies necessary to help stabilize the slopes. Furthermore, establishing a homeowners' association "to manage and maintain the preserved and newly planted areas of oak woodland habitat" is tantamount to putting the fox in charge of the henhouse.
- D32.7
- ◆ The EIR mentions raptors, but does not consider the loss of habitat for native deer, raccoon, skunk, fox and other wildlife. Vineyards encroaching from the west have already compromised this habitat.

Water and Wastewater Impacts 5-1...5-4

- D32.8
- ◆ If the City can meet the projected demand of an additional 29,000 gallons a day, why build a water tank? If the City requires a tank for fire suppression, build the tank elsewhere.

Hydrology Impacts 6-1...6-2

- D32.9
- ◆ Iowa and the other "state streets" running east from Casswall have standing water at their Foster Road terminuses for several months each year. This draft EIR does not address this issue or how this project would further impact the water table. A neighbor on Indiana Street took out a tree from his backyard and hit water at two feet. How would this project effect my ability to keep my home dry and my landscaping maintained?

Traffic and Circulation Impacts 7-1...7-6

- D32.10
- ◆ The EIR erroneously states that no more than 100 additional cars will daily travel Foster Road as a result of this project. Eighty-one homes each sporting three-car garages will generate more than 100 cars daily on Foster Road (the access point to Snow Elementary School, to Highway 29 and to Imola/Soscol avenue shopping areas).
- D32.11
- ◆ Old Sonoma Road is already too busy with motorists already impeded by bicyclists and pedestrians using the wrong side of the street for lack of adequate shoulders. Speeding cars coming down "the notch" toward town already make Casswall access/egress difficult.

Visual Quality and Open Space Impacts 11-1...11-6

- D32.12
- ◆ This project would forever obliterate the unobstructed views of the hills that my neighbors and I now enjoy and destroy the semi-rural ambiance created in part by the cattle that now graze there. As the EIR states, this is "significant and unavoidable." As a homeowner who bought because of the neighborhood's semi-rural atmosphere, this project is untenable.

Thank you for allowing concerned neighbors this forum for comment. You may be assured that I will continue to oppose this project.

Sincerely,


Leslie R. Erickson

Cc: Napa City Council Members
Supervisor Brad Wagenknecht

D32-2

RECEIVED D33

CHRISTIAN FLYNN
105 LILIENTHAL
NAPA CA 94558-5913

OCT 29 1999

PLANNING DEPARTMENT

I AM OPPOSED TO THE PROPOSED WAPA
OAKS PROJECT. I BELIEVE, ~~AND~~ PARTICULARLY
AFTER REVIEWING THIS PROJECT DEIR, THAT
DEVELOPMENT OF THIS SCALE AND DENSITY
~~AREA~~ IS NOT SUITED FOR THE PROPOSED AREA.
TOO MANY DETRIMENTAL ~~AND~~ EFFECTS MAY
RESULT FROM THE BUILDING AND MAINTINENCE
OF THIS PROJECT. ISSUES SUCH AS SEWER
DEMANDS, STORM DRAINAGE, COMPROMISED HILLSIDES,
TRAFFIC, AND A DEMENTING OF THE NATURAL
BEAUTY AND WILDLIFE IN THE PROPOSED SITE
SUGGEST TO ME THAT THIS PLAN IS BEING
FORCED. I AM NOT ANTI-DEVELOPMENT, BUT
I AM AGAINST THE PASSING OF THIS PROJECT
AS IT WAS PRESENTED IN ITS DEIR.

KEY ISSUES:

2-1	7-1
2-3	7-2
3-7	8-4
4-2	9-1
4-3	11-2
5-2	11-3
5-3	11-6
5-4	

ALL THESE ISSUES SEEM
UNSATISFACTORILY ADDRESSED.

Christian Flynn

D34

Ms Jean Hasser, AICP
Associate Planner
City of Napa Planning Department
1600 First Street, P.O.Box 660
Napa, CA 94559-0660

October 25, 1999

Dear Ms Jean Hasser,

I am writing in regards to the Environmental Impact Report for the proposed Napa Oaks project. I have some specific questions that I would like answered regarding the EIR for this project.

D34.1 | My first comment has to do with the statement that the disputed area has very important wildlife habitat value, including the existence of a 1.4ac wetland, 54% of coast life oak vegetation and other native tree species and more than 31 acres of annual grassland. This type of habitat is very unique and for that reason it had been zoned for Agriculture, Watershed and Open Space. It is of high concern that our City Planning Department is considering a housing development in such complex and valuable habitat. It is very concerning that residents of Napa need to be in a constant state of alert in order to prevent the City Planning Department from granting such environmentally destructive developments! With the little wildlife habitat left within the city limits and a General Plan stating that the city shall "provide for the maintenance of the city's surrounding open space/agriculture..."(LU-1.1) why is the City considering rezoning the area to grant such development which would be inconsistent with the General Plan Policies?

Below is a list of questions regarding the Environmental Impact Report.

D34.2 | Mitigation Measure 3-5C: Stability of Graded Slopes:

How will the City conduct a final geotechnical peer review? What is incorporated in that?

D34.3 | Impact 4-1: Removal of Annual Grasslands:

Does the city agree that there is no value in 31.2 acres of annual grassland (open space) and that its removal would have no impact and therefore no required mitigation measures?

D34.4 | Impact 4-2: Removal of 25.13 acres of Oak Woodlands and other native tree species:

How is planting trees a valid mitigation measure for the removal of mature oak trees? No matter how many trees will be planted, it will take an oak tree at least 50 years to replace the removed mature oak trees. And once trees are old and mature man tends to cut off dead branches, which serve as important habitat, to prevent them from falling. Also, having a lot of trees planted among asphalted roads and driveways serve very little as habitat. 6-

D34-1

8foot high fences will also break up any type of wildlife corridor. Planting trees to replace removed trees serves to please the human eye and screen development, but can not be seen as a valid habitat mitigation measure and a biological resource mitigation measure!

Mitigation Measure 4-4: Fill of Seasonal Wetlands

D34.5

Does the city agree that the detention basin would be a valuable mitigation measure for filling the seasonal wetlands on the property? Is the city aware that a high percentage of manmade wetlands fail in their function?

Impact 5-1: Inadequate Water Pressure and Treated Water Storage

D34.6

How many years will it take to upgrade the City's Water Master Plan to increase their reliability? When will it be upgraded? What are the impacts while the system has not been upgraded?

Mitigation Measure 5-2D: Connect to City of Napa Water System

D34.7

"Any existing well must be properly protected..." Who is responsible for this? The developer, city or land owners?

Impact 5-3: Wastewater Treatment:

D34.8

Plant upgrade is scheduled to be completed by 2001. What happens in the meantime? Is the upgrade scheduled to be completed on time?

Impact 6-1: Increased Runoff

D34.9

What are the impacts on the house and neighbors next to the proposed location of the detention basin on Caswall street?

Excavating the school play field for the second site proposal of the detention basin seems unrealistic and not a valid mitigation measure. What does the city think? How long of a construction period would residents have to endure on Old Sonoma Road alone? Who has the authority to ok the construction of the detention basin on the school play field? What happens to the school play field? Where would children be playing? Have the neighbors in the vicinity of the play field been informed of the proposed detention basin?

Page 6-10: 100-year Runoff

D34.10

The development is expected to increase the peak flow to the Napa River by about 20 cubic feet per second. In the County's current Hillside Ordinance for Hillside Vineyard Development a project is considered to be a significant impact on the environment if peak flow increases by about more than 3(!) cubic feet per second. A project that increases the peak flow more than 3cfs would most likely not be permitted. The Napa Oaks project estimates a peak flow increase of 20cfs into the Napa River. How is the project planning on mitigating this significant environmental impact?

D34-2

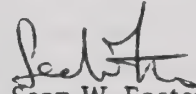
D34.11

The Hillside Development Guidelines state that grading shall be minimized. Napa Oaks proposes to grade 72% of the property and proposes to do cut and fill projects that are inconsistent with the Hillside Guidelines (page 2-23). The project is also inconsistent with the City's General Plan of preserving open space on city limits. In addition to that the project would be located directly on an earthquake fault and the hillside on which houses would be built is already unstable and has signs of soil creeping and existing gullies. With all these environmental impacts and the inconsistency of the General Plan and the Hillside Development Guidelines this project does not appear to be reasonable or realistic.

Sincerely,



Astrid C. Bock-Foster



Sean W. Foster

2763 Illinois Street
Napa, CA 94558

D34-3

D35

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OCT 29 1999

PLANNING DEPARTMENT

October 29, 1999

Ms. Jean Hasser, AICP
Associate Planner
City of Napa Planning Department
1600 First Street, P.O.Box 660
Napa, CA 94559-0660

Re: EIR Napa Oaks Subdivision

Dear Ms. Hasser:

D35.1 | I have just completed reading the Environmental Impact Report for the Napa Oaks Project. I am opposed to the rezoning of the area to permit this development. In fact, after reading through the number of potential impacts of this project, I cannot understand why it would even be considered. I do not see any outline in this project listing potential benefit to the City of Napa. I live directly below this project on Illinois Street and certainly see no benefit to me.

D35.2 | Impact 5-4 Inadequate Capacity in Existing Sewer Lines. My overwhelming concern regards the storm drains and potential water runoff. The drainage now frequently overflows along Foster Rd between Old Sonoma Rd and Imola during heavy rains. Within the past 5 years real flooding occurred along Foster Rd, truly flooding the streets and residences on streets east of Foster Rd and closest to the river. Mitigation 5-4 allows for increased flow along 1500 ft on Old Sonoma Rd but does not address the issue of introducing increased rapid flow into the rest of the existing storm drain system. The rapid nature of water flow from areas of exposed roof is tremendous in times of heavy rain. It seems as though this mitigation successfully dumps increased amounts into an already inadequate facility. Water surfaces now, upwelling in cracks in the pavement in front of my house now. This is also true on Iowa St. The City has not fixed this in any way in the five years I have lived here.

D35.3 | Impact 7-3: Increased traffic volumes on Old Sonoma Rd. Traffic signals do not mitigate or solve traffic congestion. Yes they can make walking and driving safer but they do not prevent congestion. Napa is an excellent example of this. Traffic signals at Redwood Rd and Highway 29 do not solve the problem of increased traffic. Traffic congestion is a real problem on the surface streets of Napa. I have lived here for over 30 years and the basic through street pattern has not significantly changed in that time. Congestion has and traffic signals proliferate.

D35.4 | Project Objective (page 1-17) To help Napa achieve its goal of providing adequate housing for all economic segments of the community within its Urban Limit Line. Surely this can't be serious. These are more large high priced dwellings. Is this what Napa needs? I hardly think so.

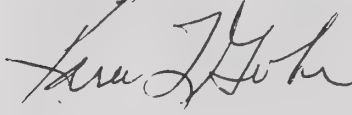
D35-1

D35.4

This project is not going to provide housing for the people who work in Napa. Most likely it will provide housing for people who will add to the commute congestion flowing into and out of Napa. What planning is going to mitigate the almost impossible routes into and out of Napa?

Please turn this proposal down.

Sincerely,



Karen L Grobl
2744 Illinois St
Napa, CA

D35-2

D36
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OCT 29 1999

PLANNING DEPARTMENT

Ms. Jean Hasser, AICP
Associate Planner
City of Napa Planning Department
1600 First Street, P.O. Box 660
Napa, CA 94559-0660

Dear Ms. Hasser,

We were told that the area around Napa would be saved from avaricious developers. Yet it seems that all they have to do is to keep coming back, and rights to the land will be accorded to them.

We warned about the Casswall Sanding site that traffic would be a problem. No matter! The Casswall Sanding site was built and traffic is a problem with cars sipping north and south on

Jane D. Haight
2798 Utah Street
Napa, CA 94558-5359

D36.1
Casswall as if it were a private air strip.

Now many more homes are going to be built on the hill above Casswall and a very hazardous section of Old Sonoma Road!

Don't allow it. Stop Napa Oaks Subdivision.

Sincerely,

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OCT 29 1999

PLANNING DEPARTMENT

Jane D. Haight
Carmen Burke

RECEIVED

OCT 29 1999

PLANNING DEPARTMENT

Sonya Heine
379 East Spring St.
Napa, CA 94559

October 28, 1999

The City of Napa
Planning Department
1600 First Street
Napa, CA 94559

RE: Napa Oaks Project Environmental Impact Report

Dear Sirs:

I would like to address the following General Plan Policy:

Policy NR 1.7: "...the City shall endeavor to identify and protect significant species and groves or clusters of trees on project sites." It doesn't state it is OK to destroy 66% of the oak woodland on a proposed project site, which will be the case if the Napa Oaks Project is allowed to de-oak and develop our hillside. What happened to protecting our hillsides? We must stop ruining what is left of our valley NOW. Please. I have lived here all my life and I cannot believe how crowded and congested it is getting. When will it stop? Please stop it.

D37.1

I would also like to refer to **"Oak Woodland/Potential Impact 4-2; Removal of Coast Live Oak Woodland.** Development of the Project would result in removal of approximately 25.13 acres of coast live oak woodland, including 24 acres on the main Napa Oaks Project site and approximately 1.13 acres on the adjacent water tank site. This is a significant impact." (Approximately 295 oak trees.)

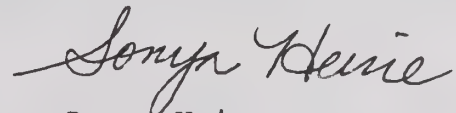
Mitigation Measures 4-2.A and 4-2.B do NOT compensate for the loss of oak trees. First of all, 3:1 replanting with spindly little trees to replace old, well established ones will not IN OUR LIFETIMES "mimic the tree canopy and density of the removed trees" as stated in mitigation measure 4-2.B c). It would also be an ignorant assumption that it could sustain similar wildlife after 15 years, unless of course there were no housing tract going in to scare off the wildlife with the people, cars, noise, blacktop, cement, dogs and cats coming with the houses. I did not read any statement referring to what is considered to be the average age of these oaks destined to death, but many are known to be over 200 years old. How can you compare a 1 or 5 gallon canned tree to those that have been around before any of us? You can't.

Page Two

City of Napa
Planning Department
October 28, 1999

p37.1
So, under "Resulting Level of Significance:" the statement "...there will be a short term significant unavoidable impact" they should clarify short term for what it REALLY is, which is our lifetime. And likewise, the statement "Over the long term, the mitigation will reduce this impact to a less than significant level" should clarify "long term" as 200 or so years from now, when we are all dead and gone, as will be our children and our children's children.

The bottom line is, how many times do we have to fight this project? Why must we over and over again be susceptible to outside interests, conflicts of interest and greed? Remember, if you build it, they will come. So don't. Don't let it happen. We, the people, don't want a subdivision to spoil this beautiful hill. We don't need more large expensive homes to entice more outsiders here to crowd our streets, schools, stores and restaurants. I repeat - WE DON'T WANT IT, WE DON'T LIKE IT, WE DON'T NEED IT. PLEASE DON'T LET IT.


Sonya Heine

D37-2

D38

Ms. Jean Hasser, AICP
Associate Planner
City of Napa Planning Department
1600 First Street, P.O. Box 660
Napa, CA 94559-0660

OCT 29 1999

PLANNING DEPARTMENT

This is in response to the Napa Oaks Environmental Impact Report.

It is a fact that if homes are built on the hill it will create an environmental impact. I understand that the report identifies to what degree the environment will be impacted. However, it is important to remember that the degree of impact is subjective. Our values determine what may be considered serious or insignificant. Therefore the real question is what do we really value in our community?

- It is a fact that wildlife will be displaced. We are pushing them out of our community. How much do we value our wildlife?
- It is a fact that we will lose most of our natural habitat on the hill. The trees and other vegetation on the hill protect the hill from eroding too quickly. The trees also help reduce pollution, provide homes for our wildlife, and provide beauty. Again what do we value?
- It is a fact that traffic will increase, causing more air and noise pollution. How much do we value clean air and quiet neighborhoods?

An Environmental Impact Report is not needed to identify that building on our hills will harm the environment!

I understand that everyone one of us in the community already negatively impacts the environment. And as more people locate in our community the more the environment will be impacted. Moreover, growth is inevitable and needed to a certain degree. However, we must closely examine the long-term cost of development, especially in certain areas. What do we want future generations to experience? Hopefully it will be the natural beauty of our hills. Hills that are alive with wildlife and oak trees not covered with concrete, homes and unnatural landscaping. Will they experience birds singing, blue skies, and clean air? Or will they only hear the sound of traffic from morning until night and smoggy skies? (Already a reality in many places)

Therefore, I strongly believe that the developers cannot adequately address the environmental impact that building on our hills will create. The cost is too great. What they will destroy is priceless.

We must remember that our wildlife and wilderness do not need humans to exist however, humans could not survive without plant and animal life; so who and what are more valuable?

Betty Koufos
260 Foster Road
Napa, CA 94558

D38-1

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OCT 29 1999

PLANNING DEPARTMENT

D39

2731 Utah St
Napa, CA 94558
October 28, 1999

Ms. Jean Hasser
Napa Planning Dept.
1600 First St.
Napa, CA 94559

Dear Ms. Hasser;

Please forgive the longhand. Our printer is misbehaving.

I am sure others will cover the trees, runoff, etc.
My concerns are as follows:

D38.1
1. Why the watertower? Is it too expensive for the developer to build to pump water up the hill? Why not wells? Who is responsible for its maintenance? After our last experience with drought years, and the doubling of our water bill, consideration must be given to conserving this resource.

D38.2
2. Traffic. Our neighborhood is already overwhelmed with through traffic from Browns Valley. To avoid the busy intersection at Hwy 29 and Browns Valley Rd., they shoot through Laurel St onto Foster Rd to get onto freeway at Inola. The same can be said for the group using the Benner - Old Sonoma route to

D39-1

D382 | to Imola. These cars all exceed the speed limit and already a danger to children and animals of this residential area. If this development is completed, they will not be happy with a two lane road over to Hwy 121 to commute into the city, thus destroying more natural beauty in this area.

I thank you for your consideration

Sincerely

Maureen M. Rowan

2731 Utah St
Napa CA 94558
Oct 28th, 1999

D40

RECEIVED

OCT 29 1999

PLANNING DEPARTMENT

Ms. Jean Hassler, AICP
City of Napa Planning Department
1600 First Street, P.O. Box 660
Napa, CA, 94559-0660

Dear Ms. Hassler,

D40.1
After reviewing the EIR report for the Napa Datto Subdivision I have many questions and comments on how this development will impact everyone in the Napa Valley. The EIR states traffic will have no impact. Traffic will have a very big impact. Old Sonoma Road is very heavily traveled at very high speed all day, it is also a blind corner when traveling from Hwy 121 to Old Sonoma road down to Jefferson Street. When cars are stopped on Old Sonoma road to turn onto Gienthal into this development, cars traveling at very high speeds coming around the blind corner could end up causing a terrible accident and possibly kill innocent people in cars or bikers or walkers or bike riders, because Old Sonoma Road is only a 2 lane road with no where to go. To have the main entrance for the Napa Datto Subdivision to enter off Old Sonoma Road to Gienthal into this division is very dangerous, hazardous and possibly fatalistic especially on winter days when the road is slippery and icy.

D40-1

D40.2

Foster Road is very heavily traveled all day and night at high speeds. Adding a minimal of 170 cars to this area is a disaster. These areas are very popular for walkers, bikers, and pet walkers. Has the Planning Commission Department taken all these factors into account?

D40.3

This subdivision will kill the existing oak trees by all the water it will take for the new landscaping around these homes. Over a period of time this will kill all the oak trees. How does the weight of progress win over time to kill trees that have been there for 100 of years. Has the Planning Department taken these factors into account?

D40.4

This development requires a water tank which the developer states needs to be elevated how stable is this? Has this tank been approved by the city of Napa?

D40.5

To disrupt the wild life and natural beauty of these undeveloped hills, one of the only few left for the gate way into the Napa Valley is wrong. How about a vineyard instead considering this area is some of the most expensive land in the world per acre. Has the developer thought about making donations or help open a new wild life center in the Napa Valley so these animals will have a place to live?

With this development of 85 homes with a minimal of 2 pets per home for a total 170 pets, does the Napa Humane Society have the budget and space to house the animals until they are adopted? When these pets get out.

ON Old Sonoma Road and get hit and killed by cars traveling at very high speeds is a very bad location for animals to be living.

D40.6

~~Now~~ the Napa Sewer Department have the budget and research reports for the impact of all the sewage of this development flowing off Old Sonoma Road? Will the existing sewer system be able to handle all this excess sewage or will it break and dump sewage under existing homes and streets?

D40.7

What research reports state that the Napa Oaks - 85 homes on this hill side will be stable and will cause no home or land slides on existing homes?

D40.8

We read in the Napa Valley Register is Napa growing so fast. Do we have enough water? Do we have enough fireman? Do we have enough policemen? In the long run this will increase on taxes water bill and if there is a drought all our plants and lawns will die for the growth of Napa Valley. Has the Planning Department taken this into consideration?

Sincerely,
Jim Rowan

D40-3

OCTOBER 29, 1999

RECEIVED

D41

NOV - 1 1999

Ms. JEAN HASSER, AICP

PLANNING DEPARTMENT

CITY OF NAPA PLANNING DEPARTMENT

DEAR MS. HASSER:

D41.1

THIS LETTER SHOULD NEVER, EVER HAVE TO HAVE BEEN WRITTEN. NONE OF THE DECENT CITIZENS OF NAPA SHOULD BE COMPELLED, ONCE AGAIN, TO RAISE THEIR INDIVIDUAL AND COLLECTIVE VOICES, ONCE AGAIN, TO COMBAT THE GREEDY, WROUGHTMIND INTENTIONS OF AN OWNER/DEVELOPER WHO WANTS TO ABORT THE PEOPLE'S GENERAL PLAN. THE OWNER/DEVELOPER OF "NAPA OAKS" IS BACK, ONCE AGAIN, THIS TIME DEMONSTRATING NOT ONLY TOTAL, SELFISH DISREGARD FOR THE PEOPLE'S GENERAL PLAN BY ASKING FOR AN AMENDMENT, BUT ALSO WITH THE UNMITIGATED GALL TO INSULT OUR INTELLIGENCE AND SENSITIVITIES BY DECLARING, AS MR. THAYER DID AT THE SEPTEMBER 30, 1999 DRAFT EIR MEETING IN COUNCIL CHAMBERS, ~~BY DECLARING~~ THAT "NAPA OAKS" IS NOT A HILLSIDE DEVELOPMENT. UNMITIGATED GALL! " WHATSOEVER HAPPENED TO TAR AND FEATHERING AND "RUNNING THE BUMS OUT OF TOWN ON A RAIL"? WE, THE PEOPLE, HAVE PREVIOUSLY GIVEN ALL DUE, RESPECTFUL CONSIDERATION TO THE "NAPA OAKS" REQUEST FOR DEVELOPMENT APPROVAL, AS SUBMITTED BY DAVIDON HOMES. WE, THE PEOPLE,

D41-1

AND OUR ELECTED COUNCIL MEMBERS DECLINED THAT REQUEST LAST SEPTEMBER. DAVIDON, TAKE THE HINT AND TAKE A HIKE, OR, RIDE THE RAIL!!

NOW THAT THE SITUATION IS IN PERSPECTIVE, LET US PROCEED WITH SEVERAL SPECIFIC CONCERNS WITH THE CURRENT DRAFT EIR.

FIRST, INTEGRITY. PLEASE REFER TO PAGES 2-14 ^{OF THE DRAFT EIR, ATTACHED,} AND READ THE TWO QUOTES FROM THE GENERAL PLAN, SECTIONS LU-1.2 AND LU-4.1. THE INTENT AND SPIRIT OF THESE SECTIONS IS VIOLATED BY THIS PROPOSED DEVELOPMENT, WHICH WOULD BUILD 83 NEW HOMES OF 3,000 TO 4,000 SQUARE FEET, TWO STORIES, SPLIT LEVELS, THREE CAR GARAGES, WHICH AT ONE PLACE IN THE DRAFT ARE LABELED AS "BULK". BY COMPARISON, THE EXISTING HOMES BELOW THE HILLSIDE DEVELOPMENT ARE PREDOMINANTLY "DEVITA BUILT" (WELL RESPECTED HOMES OF INTEGRITY), HOMES BUILT IN 1954-55 TYPICALLY 1,000 SQUARE FEET, ONE LEVEL, ONE CAR GARAGE.

D41.2

THE TWO REFERENCED QUOTES SPEAK OF "PRESERVING AND ENHANCING THE INTEGRITY OF EXISTING NEIGHBORHOODS AND DEVELOP

D41-2

D41.2

NEW NEIGHBORHOODS WITH SIMILAR QUALITIES AS THE EXISTING NEIGHBORHOODS, AND THAT "NEW RESIDENTIAL DEVELOPMENT ... TO BE CONSISTENT WITH THE GENERAL TYPOLOGY OF THE SURROUNDING AREA". I DEFY ANY PERSON OF INTELLIGENT INTEGRITY TO DEFEND "NAPA OAKS" IN THIS CONTEXT. INTEGRITY IS INTEGRITY AND CANNOT BE MITIGATED. PLEASE ADDRESS THE DICOTOMY PRESENTED HERE IN DETAIL.

D41.3

SECOND, WOODLANDS AND WILDLIFE. PLEASE REFER TO PAGE 4-12 OF THE DRAFT EIR, ATTACHED AND READ THE FOUR PARAGRAPHS HEADED "OAK WOODLAND". VARIOUSLY, WE READ THAT "25.13 ACRES OF COAST LIVE OAK WOODLAND" WOULD BE REMOVED. THE NUMBERS ARE 312 OF 591 TREES, OR 53% WOULD BE REMOVED. WE READ, "OAK WOODLANDS IN THE REGION ARE CONSIDERED TO BE A SIGNIFICANT BIOLOGICAL COMMUNITY BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME". THE DEVELOPER WOULD ALSO FILL IN WETLAND HABITAT. NO SENSE PROTECTING WILDLIFE, RIGHT?

IN A BOGUS, ALMOST LAUGHABLE (IF IT WASN'T SO DIRE) ATTEMPT TO "MITIGATE" THE UNMITIGABLE, THE BENEVOLENT DEVELOPER WANTS TO PLANT 467 INDIVIDUAL OAK TREES (QUESTION: ARE THESE COAST LIVE OAKS?), HOWEVER, ELSEWHERE

D41-3

IN THE REPORT, IT STATES THAT THESE ARE ONE AND FIVE GALLON TREES. WHAT AN ABSOLUTE FARSE! PLEASE EXPLAIN THE UNEXPLAINABLE; HOW CAN THIS "MITIGATION" POSSIBLY OFFSET THE GREEDY, WANTON DESTRUCTION OF THIS BEAUTIFUL, VIRGIN OAK WOODLAND AND WETLAND HABITAT? PLEASE ADDRESS THIS IN THE DETAIL WE WOULD SEE WITH A COAST LIVE OAK LEAF, UNDER A MICROSCOPE. THE MORE CORRECT NAME OF THIS WRONGMINDED PROJECT WOULD BE, "NAPA OAKLESS ESTATES".

THIRD, INCREASED TRAFFIC CONGESTION AND CIRCULATION
PLEASE REFER TO PAGES 7-16 THEN 7-27, AS WELL AS SUMMARY PAGES 20 AND 21 OF THE DRAFT EIR, ATTACHED, AND DO IT WITH INTEREST. THE ESSENCE OF THE MATTER IS THE 785 ADDITIONAL VEHICLE TRIPS PER DAY GENERATED BY OUR BENEVOLENT DEVELOPER'S PROJECT... NOW ISN'T THAT SPE-CIAL...? (LAST YEAR, THE ESTIMATE WAS 850 ADDITIONAL VEHICLE TRIPS PER DAY; MAYBE THE 65 TRIPS LESS, WERE DUE TO FLAT TIRES...) NOW WE COULD DISCUSS THIS TRAFFIC FLOW AND THAT TRAFFIC FLOW, THIS "LEARNED EXPERT" OPINION AND THAT "LEARNED EXPERT" OPINION, HOWEVER, IT MEANS ABSOLUTELY NOTHING, EXCEPT TO THE INTELLECTUALLY CHALLENGED!

D41.4

P

FACT: 785 TO 850 ADDITIONAL VEHICLE TRIPS PER DAY

FACT: THE DESIGNATED INTERSECTION LEADING FROM THIS DEVELOPMENT IS LILIENTHAL AVENUE

FACT: THE QUIET DeVITA SUBDIVISION STREETS WILL FUNNEL THE TRAFFIC TO THE FROSH

FACT: FOSTER ROAD, NOW VIRTUALLY A FREEWAY, WILL CLOG RELENTLESSLY

FACT: NO MORE SURFACE ROADS CAN BE BUILT, NO WIDENINGS ARE POSSIBLE

FACT: NO "LEARNED EXPERT" CAN REMOTELY "MITIGATE" THE UNMITIGATABLE; ADDITIONAL TRAFFIC VOLUME IS ADDITIONAL TRAFFIC VOLUME; FINITE SURFACE STREET RESOURCES ARE FINITE SURFACE STREET RESOURCES; GO FIGURE !!

FACT: THE INTEGRITY OF THE EXISTING SUBDIVISIONS WOULD BE IRREPARABLY BREACHED, FOREVER.

QUESTION: WHAT MENTALITY COULD EVER EVEN CONSIDER THIS WRONGMINDED PROJECT, GIVEN THE FACTS? HUH???

SUGGESTION: DRIVE THE ENTIRE AREA AT VARIOUS TIMES OF DAY, ALL DAYS OF THE WEEK; IN CLEAR (FAST TRAFFIC) WEATHER, IN RAINY (STUPID TRAFFIC) WEATHER, IN ICY (MURDEROUS TRAFFIC) WEATHER.

CONCLUSION: THIS PROJECT IS INHERENTLY WRONG. WRONG!

D41-S

D41.4

(P)

D41.4

PLEASE HAVE THE "LEARNED (TRAFFIC) EXPERTS" ADDRESS THIS IMPOSSIBLE, ABSOLUTELY IMPOSSIBLE, TRAFFIC CHAOS. ADDRESS IT, PLEASE, WITH SOME MODICUM OF COMMON SENSE AS OPPOSED TO STERILE, INHUMAN STATISTICAL MODELS THAT ONLY SALVE THEIR EGOS. IN OTHER WORDS, GET REAL!! Thank YOU.

D41.5

ABOVE, DETAILED WITH SARDONIC, YET UNDENIABLY TRUTHFUL COMMENT, ARE SEVERAL SIGNIFICANT CONCERNS ABOUT "OAKLESS". HOWEVER, THERE ARE MANY MORE; THE EFFECT ON POLLUTION (AIR, NOISE, WATER, VISUAL, AESTHETIC, YOU NAME IT); THE EFFECT OF SCHOOL OVERCROWDING; THE EFFECT OF TRAFFIC ACCIDENT INDUCED TRAUMA CASES; THE EFFECT OF — — — — —; THE EFFECT (EXCUSE ME FOR BEING ONE WHO CARES ABOUT OUR HUMAN EXPERIENCE), REPEAT, THE EFFECT UPON THE QUALITY OF OUR LIFE EXPERIENCE.... QUANTITY IS NO MEASURE OF QUALITY.... NEVER HAS BEEN, NEVER WILL BE.

D41.1

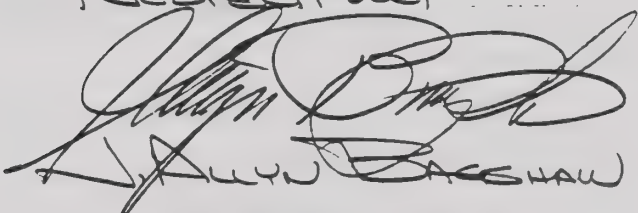
FINALLY, LET ME REMIND US ALL, THAT THE DULY ELECTED CITY COUNCIL OF OUR FAIR CITY OF NAPA VOTED 4 TO 1 LAST SEPTEMBER

D41-6

D41.1

29, 1999 TO DEFEAT THIS WRONGMINDED
PROJECT, IN SPEAKING BEFORE THE COUNCIL
THAT EVENING, I SAID TO THEM, THAT "LIFE
OCCASIONALLY PRESENTS US WITH DEFINING
MOMENTS" AND SUGGESTED THAT THEIR VOTE
WAS ONE OF THOSE MOMENTS.

NOW, ONCE AGAIN, WE ALL HAVE OUR
"DEFINING MOMENT" TO DEFEAT THIS WRONGMIND
ABSURD PROJECT, OR ANYTHING LIKE IT, ONCE
AND FOR ALL TIME !!!

RESPECTFULLY

ALLYN BAGSHAW

2731 ILLINOIS
NAPA, CA 94558
257-1160

The Project does not avoid the limited wetland areas on the site, but would result in the fill of 1.14 acres of seasonal wetlands, seasonal ponds and seeps, and would replace them with a storm water detention basin which would need to be designed to function as a wetland.

The site contains extensive oak woodlands habitat. These woodlands are considered to be a significant biological community by the California Department of Fish and Game, since they provide high value native habitat for wildlife and are important for nesting raptors, which are protected under the California Fish and Game Code (Section 3503.5). In total, the Project and the associated water tank would remove over 25 acres (312 trees) of coast live oak woodland habitat. While the Project proposes to retain portions of the oak woodlands habitat, they are retained in non-contiguous pockets which provide less valuable habitat for wildlife. (The Project is evaluated in detail with respect to biological resources in Chapter 4 of this DEIR and specific mitigation measures are discussed. Project alternatives are also discussed in Chapter 14, which includes alternatives that would reconfigure the Project to avoid significant habitat.)

The Project is adjacent to areas devoted to permanent agriculture and incorporates the minimum 80-foot agricultural buffer and 15 feet of landscaping required by the City, also placing these lands within a permanent conservation easement. The Project also revised initial subdivision patterns to place larger lots along the agricultural edge.

Neighborhood Character. Napa has long-standing policies to preserve the existing character of its neighborhoods and to shape new residential development such that it enhances and is compatible with adjacent neighborhoods.

- o LU-1.2: *The City shall strive to preserve and enhance the integrity of existing neighborhoods and to develop new neighborhoods with similar qualities as the existing neighborhoods.*
- o LU-4.1: *The City shall require new residential development ... to be consistent with the general typology of the surrounding area.*

The General Plan contains many themes that emphasize the importance of development that maintains and enhances Napa's small-town qualities and community identity. For example, residential development is to be developed with similar qualities of the surrounding neighborhood in terms of streetscape, density, scale and architectural quality. If the Napa Oaks General Plan Amendment is approved, the proposed type, size and style of housing would *generally* be compatible with estate homes adjacent to the site and most units would be physically separated in elevation from established neighborhoods. The three proposed homes immediately adjacent to the Casswall neighborhood and existing Old Sonoma Road homes, however, would be significantly larger than most of the existing homes in this neighborhood. Proposed homes are more similar to the newer estate-style homes scattered to the north and west side of the Project site and in other areas of the City. Visual impact mitigation measures address the three homes, and would be required to adequately address policies related to neighborhood character (see Visual Impacts, Chapter 11).

The annual grassland areas on the site are dominated by non-native grasses and other invasive, weedy species. This vegetation type is common throughout the region, and the grasslands on the site have been substantially degraded by past and current land use practices, including cattle grazing. Although native grass species are interspersed with non-native grasses in some locations, there is no contiguous native grassland vegetation on the Project site. Furthermore, the grassland areas on the site are not documented to support any sensitive species of plants or animals. Therefore, removal of this vegetation is not considered a significant impact.

OAK WOODLAND

Potential Impact 4-2; Removal of Coast Live Oak Woodland. Development of the Project would result in removal of approximately 25.13 acres of coast live oak woodland, including 24 acres on the main Napa Oaks Project site and approximately 1.13 acres on the adjacent water tank site. This is a significant impact.

According to the site plan, approximately 24 acres of oak woodland, including 295 individual trees, would be removed from the Project site, as shown in Figure 4.2. An additional 1.13 acres and 17 trees would be removed (16 additional will require pruning) from oak woodland along and adjacent to the water tank access road. Oak woodlands in the region are considered to be a significant biological community by the California Department of Fish and Game. These woodlands provide high value habitat for wildlife, and are important from the standpoint of native habitat preservation.

State agencies are encouraged to preserve and protect native oak woodlands (sites with greater than five trees per acre) to the maximum extent feasible or to provide replacement plantings where Blue, Engelman, Valley or Coast Live Oak are removed.⁷ In its Joint Policy on Hardwoods, the Fish and Game Commission recognizes the importance of the hardwood resources (including oaks) in California and establishes joint policies with the California Department of Forestry for managing and maintaining these resources. In addition, the City of Napa maintains policies to preserve and protect oak woodlands as much as possible.

The Tree Preservation and Revegetation Plan, which is a component of the Project, proposes to preserve approximately 19.4 acres (44 percent) of the oak woodland on the site and plant an additional 467 individual oak trees within the development and in the open space areas. Most of the preserved oak woodland occurs in three disjunct areas. Two of these areas are at the periphery of the development, but one area is in the center of the Project and is surrounded by development.

⁷ California Senate Concurrent Resolution Number 17, California Resolution Chapter 100, 1989.

SETTING, IMPACTS AND MITIGATION MEASURES

- an increase of 10% or more in traffic on a residential collector or local access street above 3,000 vehicles per day,
- Exceeding, either individually or cumulatively, of a level of service standard established by the County Congestion Management Agency for designated roads and highways. This is defined as a change in service levels at signalized intersections on State Highways (State Route 29 and Imola Avenue) below the mid-range of LOS E, per county Congestion Management Agency standard,
- A substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or the creation of unsafe conditions on existing roads,
- or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Impacts are also considered significant if the project does not provide:

- shoulder widening or bicycle lanes consistent with the Napa bikeway plan.
- adequate on-site parking and circulation for projected vehicular traffic, and/or
- inadequate access for emergency vehicles.

Methodology

Trip Generation. In the context of traffic analyses, a trip is defined as a single or one-direction vehicle movement with either the origin or destination inside the study area. A trip end is the origin or destination of a trip. Each trip has two trip ends, one trip end within the study area and one trip end outside the study area. A round trip is considered as two trips.

The *Trip Generation* manual⁶ contains trip generation rates for 140 different land use codes. These trip rates were used to develop the trip generation rates for the analysis of the proposed Project. The Project includes the addition of 83 new residential units, the retention of two existing homes, and the demolition of one existing house. The net increase will be 82 new single family detached residential dwelling units. The project is expected to generate 785 additional trips per day. The trip generation of the proposed Project is summarized in Table 7.7.

⁶ Institute of Transportation Engineers, Sixth edition of *Trip Generation Manual*, 1997.

Table 7.7
Project Trip Generation

Land Use Description	Units	No.	Daily		A.M. Peak Hour			P.M. Peak Hour		
			Rate	Trips	In	Out	Total	In	Out	Total
Single Family Detached Housing	du	82	9.57	785	16	47	63	53	30	83

du = dwelling unit

Source: TJKM Transportation Consultants (1998)

LAST YEAR THIS FIGURE WAS 850 TRIPS PER DAY - 850

SOMEHOW, THROUGH A CHANGE IN A CERTAIN MULTI-STEP, WE HAVE 65 LESS TRIPS PER DAY - APPROX 785

Trip Distribution and Traffic Assignment. Trip distribution and traffic assignment was developed based on observations of the existing traffic patterns and the study intersections and general knowledge of the area. Trips generated by the proposed Project were distributed onto the existing street network as summarized in Table 7.8 and shown in Figure 7.3

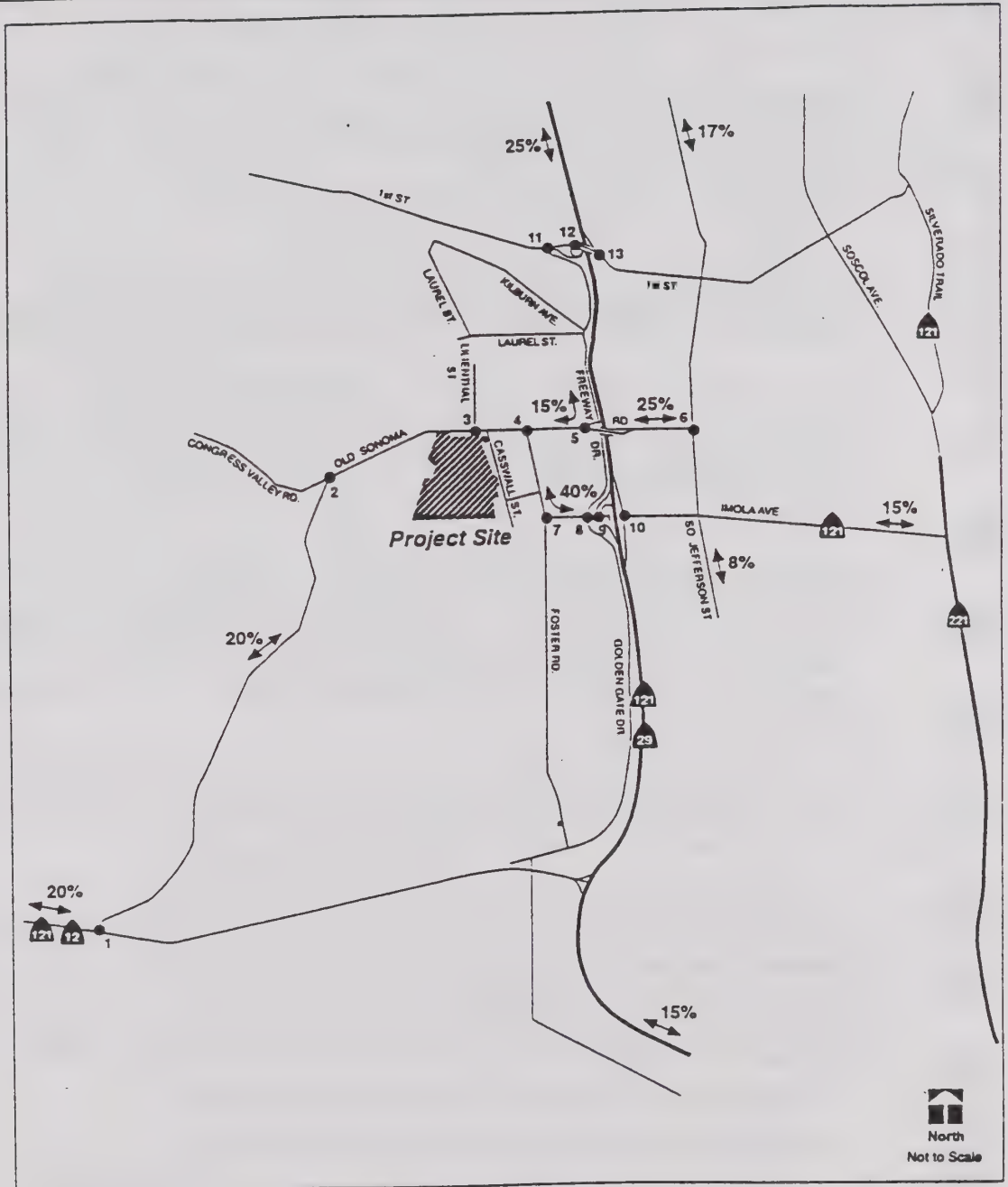
Project access will be via a single street opposite Lilienthal Avenue. Traffic to and from the south via Imola Avenue West and State Route 29 will use Foster Road as a route to Imola Avenue West. Project traffic is not anticipated to use Casswall Street, Indiana Street or Utah Street for access to Foster Road to a significant degree, because that route would involve more turns and has a longer driving time than the less circuitous route of Foster to Imola Avenue West.

Table 7.8
Project Trip Distribution

Direction	Percent of Trips
To/from the north via SR 29, Freeway Drive and Old Sonoma Road	15
To/from the north via South Jefferson Street and Old Sonoma Road	17
To/from the north via SR 29, Imola Avenue West, Foster Road and Old Sonoma Road	10
To/from the east via Imola Avenue, Foster Road and Old Sonoma Road	15
To/from the south via South Jefferson Street and Old Sonoma Road	8
To/from the south via SR 29, Imola Avenue West, Foster Road and Old Sonoma Road	15
To/from the east via Cameros Highway and Old Sonoma Road	20
Total	100

Source: TJKM Transportation Consultants (1998)

Napa Oaks Subdivision EIR



SOURCE: TJKM

Figure 7.3
Trip Distribution

Napa Oaks Subdivision - Draft EIR

7-15
D41-12

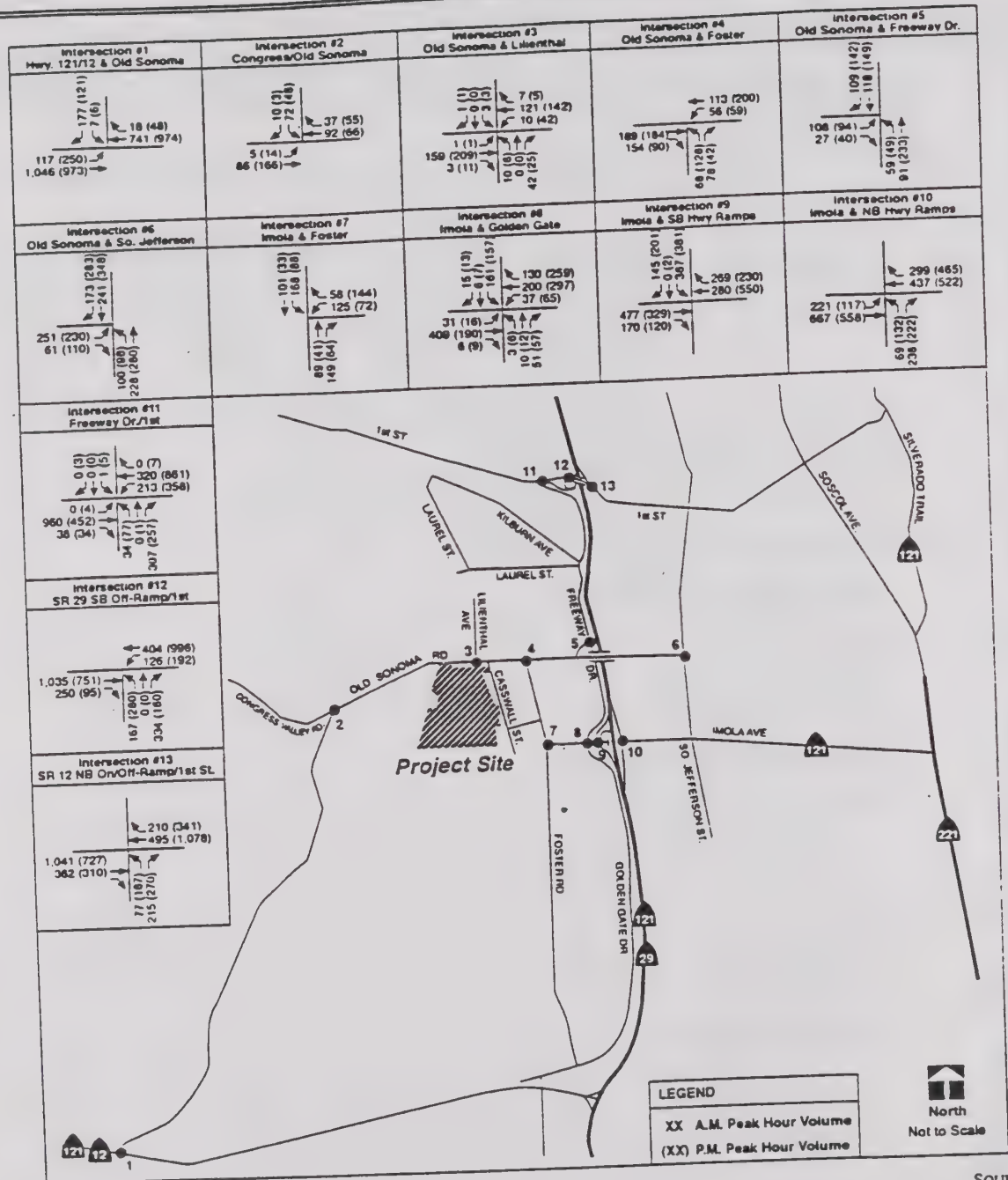
Level of Service, Existing plus Project Traffic Conditions

Traffic generated by the Project was added to the study intersections. The resulting Existing plus Project traffic volumes are shown in Figure 7.4. Service levels were calculated, and the results are shown in Table 7.9.

Table 7.9
Intersection Level of Service, Existing Plus Project Traffic Conditions

Intersection	Existing Traffic				Existing + Project Traffic			
	A.M. Peak Hour		P.M. Peak Hour		A.M. Peak Hour		P.M. Peak Hour	
	Delay*	LOS	Delay*	LOS	Delay*	LOS	Delay*	LOS
<u>Signalized Intersections</u>								
Freeway Dr/First St	9.3	B	7.2	B	9.4	B	7.3	B
SR 29 SB Ramps/First St	10.1	B	7.3	B	10.2	B	7.4	B
<u>All-Way Stop-Controlled Intersections</u>								
Jefferson St/Old Sonoma	12.8	C	13.5	C	13.5	C	14.0	C
Foster Rd/Imola Ave West	5.6	B	2.6	A	5.7	B	2.8	A
SR 29 SB Ramps/Imola	17.9	C	28.6	D	19.0	C	30.1	E
<u>Two-Way Stop-Controlled Intersections</u>								
Old Sonoma Rd/Carneros Highway								
Southbound Approach	14.3	C	29.0	D	14.6	C	31.0	E
Eastbound Left Turn	5.8	B	12.0	C	5.8	B	12.5	C
Congress Valley Rd/Old Sonoma Rd								
Southbound Left	4.9	A	5.2	B	5.0	A	5.3	B
Southbound Right	2.9	A	2.9	A	3.0	A	2.9	A
Eastbound Left	2.4	A	2.4	A	2.4	A	2.4	A
Lilienthal Ave/Old Sonoma Rd								
Northbound Approach	N/A	N/A	N/A	N/A	3.7	A	4.0	A
Southbound Approach	4.5	A	4.9	A	4.9	A	5.5	B
Eastbound Left Turn	2.4	A	2.5	A	2.4	A	2.5	A
Westbound Left Turn	N/A	N/A	N/A	N/A	2.5	A	2.8	A
Foster Rd/Old Sonoma Rd								
Northbound Approach	5.2	B	7.1	B	5.5	B	8.1	B
Westbound Left Turn	3.1	A	2.9	A	3.2	A	3.0	A
Freeway Dr/Old Sonoma								
Eastbound Approach	6.2	B	7.6	B	6.4	B	7.8	B
Northbound Left Turn	2.8	A	3.0	A	2.8	A	3.0	A

Napa Oaks Subdivision EIR



SOURCE: TJKM

Figure 7.4
Existing plus Project Turning Movement Volumes

Napa Oaks Subdivision - Draft EIR

D41-14

Table 7.9
Intersection Level of Service, Existing Plus Project Traffic Conditions

Intersection	Existing Traffic				Existing + Project Traffic			
	A.M. Peak Hour		P.M. Peak Hour		A.M. Peak Hour		P.M. Peak Hour	
	Delay*	LOS	Delay*	LOS	Delay*	LOS	Delay*	LOS
So Freeway Dr-Golden Gate Dr/Imola Ave West								
Northbound Approach	5.7	B	5.2	B	5.9	B	5.4	B
Southbound Approach	21.8	D	19.0	C	23.9	D	21.0	D
Eastbound Left Turn	3.1	A	3.9	A	3.1	A	3.9	A
Westbound Left Turn	3.4	A	2.7	A	3.4	A	2.8	A
Signal Controlled Intersections								
SR 29 NB Ramps/Imola								
Northbound Approach	73.0	F	87.5	F	79.5	F	106.7	F
Eastbound Left Turn	4.7	A	4.6	A	4.8	A	4.7	A
SR 29 NB Off-Ramp/First								
Northbound Left Turn	61.8	F	626.5	F	61.8	F	626.5	F
* = In Seconds								
N/A = Not Applicable								
Source: TJKM Transportation Consultants								

TRAFFIC CONGESTION

- **Impact 7-1; Project-Related Traffic Congestion.** Traffic generated by the Project, when added to existing traffic levels, would not result in a significant change in level of service at any study intersections. This is considered a *less than significant impact*.

The service levels of the signalized intersections at First Street/Freeway Drive and First Street/State Route 29 will remain at LOS B. The service level of the all-way stop controlled intersections at Old Sonoma Road/South Jefferson Road and Foster Road/Imola Avenue West will remain at existing service levels.

Although the service level of the all-way stop controlled intersection at Imola Avenue/SR 29 Southbound Ramps will change from LOS D to LOS E during the evening peak hour, this change reflects an increase of only 1.5 seconds of total delay. The total delay of 30.1 seconds projected at this intersection results in a level of service better than the mid-range of LOS E (CMA criteria of significance for State Highways), and therefore is not considered a significant Project impact.

The service level of all approaches of the two-way stop controlled intersections at Old Sonoma Road/Congress Valley Road, Old Sonoma Road/Lilienthal Avenue, Old Sonoma Road/Foster Road, and Old Sonoma Road/Freeway Drive will remain unchanged. Although the service level of the southbound approach of the two-way stop controlled intersection of Cameros Highway (SR 121)/Old Sonoma Road will change from LOS D to LOS E during the evening peak hour, this change reflects an increase of only 2.0 seconds of total delay. The total delay of 31.0 seconds as projected at this intersection results in a level of service better than the mid range of LOS E (CMA criteria of significance for State Highways) , and therefore is not considered a significant Project impact.

Similarly, the service level of the southbound approach of the two-way stop controlled intersection of Imola Avenue West/Golden Gate Avenue will change from LOS C to LOS D during the evening peak hour. This change reflects an increase of 2.0 seconds of total delay. The service level of all other approaches of the intersection will remain unchanged. The total delay of 21 seconds projected at this intersection results in a level of service better than mid range of LOS D (City General Plan standards for significance), and therefore is not considered a significant Project impact. However, pursuant to the City Street Improvement Fee program and the Capital Improvement Plan, the City is in the process of installing a 4-way stop at this intersection which will alleviate cumulative LOS conditions at this location.

EXACERBATION OF EXISTING TRAFFIC CONGESTION

- **Impact 7-2: Exacerbation of Existing Traffic Congestion.** Traffic generated by the Project will contribute traffic volumes to two unsignalized intersections (Imola Avenue/SR 29 Northbound and First Street/SR 29 Northbound) where the minor street volume is operating at LOS F. The Project's contribution of traffic to these intersections results in an increase in the volume-to-capacity ratio for these intersections of less than 10%, therefore this is considered to be a *less than significant impact*.

The existing service level of the northbound approach of the two-way stop controlled intersection of Imola Avenue/SR 29 northbound ramps is LOS F. Traffic from the Project will increase the base volume-to-capacity (v/c) ratio from 0.85 to 0.93 during the evening peak hour. This increase is less than a 10% increase in v/c ratio. The Project's contribution of traffic at this intersection will increase the total traffic volume for the entire intersection by approximately 1.2%, or a minor contribution.

Similarly, the existing service level of the northbound approach of the two-way stop controlled intersection of First Street/SR 29 northbound ramps is currently at LOS F. Traffic generated by the Project will contribute to this existing situation, but will not change the base v/c ratio for the critical movement. The Project's contribution of traffic at this intersection will increase the total traffic volume for the entire intersection by 0.2%.

The 10% increase in volume-to-capacity criteria was selected because it is consistent with the Institute of Traffic Engineers *Circular 212 Planning Methodology*, which uses volume-to-capacity ratios in its standards. In the Circular 212 Planning Method, levels of service A, B, C, D and E are defined as being separated by 10% increase in volume-to-capacity. This same

methodology is applied to conditions within the LOS F range for existing intersections already operating at LOS F conditions.

- **Condition of Approval 7-2: Payment of Street Improvement Fees.** Pursuant to City General Plan Implementation Programs T-1.C and T-1.D, the Project shall be required to pay standard Street Improvement Fees designed to fund the construction of street improvements identified in the General Plan that are aimed at resolving capacity, service level and safety problems associated with cumulative local and regional traffic impacts. New traffic signals are planned as part of the Street Improvement program at the intersections of First Street/SR 29 northbound and Imola Avenue/SR 29 northbound.

Resulting Level of Significance. The traffic signals planned for these intersections will improve levels of service at these intersections to LOS A and LOS B, respectively, during the morning and evening peak hours. The Project's payment of Street Improvement Fees provides the Project's fair share contribution towards mitigation of this cumulative impact, and will off-set the Project's effect to the cumulative conditions at these intersections to a level of *less than significant*.

INCREASED TRAFFIC ON LOCAL NEIGHBORHOOD ROADS

- **Impact 7-3: Increased Traffic Volumes on Foster Road.** Traffic generated by the Project will add approximately 100 vehicles per day on Foster Road, which already carries more vehicles than prescribed for a residential collector street. However, the Project's contribution of traffic to this street is projected to result in an approximate increase of 3% in total traffic volume. This 3% increase is considered to be a *less than significant impact*.

Traffic volumes on Foster Road are projected to increase from the existing condition of 3,300 vehicles per day to 3,400 vehicles per day when Project traffic is added to the circulation network. This represents an increase of 100 vehicles, or less than a 3 percent increase in traffic volume.

Foster Road is both a collector street and a residential street. The Napa General Plan indicates that "collector street with volumes in excess of 3,000 vehicles may impact adjoining residences, requiring mitigation"⁷ even though the street segment and adjoining intersections would operate at levels of service A or B. Although Foster Road is fully developed with existing residences between Imola Avenue West and Old Sonoma Road, such that new development is not likely, most of this existing development directly fronts onto Foster Road. The volume of traffic on Foster Road makes it difficult for safe ingress and egress from private driveways onto Foster Road. However, because these high traffic volumes already exist, and the Project's contribution is considered to be less than significant (less than 3 percent), this is considered to be an insignificant Project impact and no mitigation is necessary.

PROVISION OF BIKE LANES

- **Impact 7-4; Lack of Bike Lane on Old Sonoma Road.** Old Sonoma Road is shown in the Napa General Plan to have shoulder widening to provide for a Class II bicycle lane. The tentative map for the Project does not include shoulder widening along the frontage of Old Sonoma Road. This conflict with the Napa bikeway plan is considered to be a *potentially significant* impact.
- **Mitigation Measure 7-4: Provide a Bike Lane on Old Sonoma Road.** The Project shall provide for shoulder widening as needed, striping, and marking for a Class II bicycle lane on Old Sonoma Road along the Napa Oaks Project frontage south to Casswell Street.

Resultant Level of Significance. Implementation of this mitigation measure would reduce the impact to a level of *insignificance*.

INTERNAL CIRCULATION AND EMERGENCY VEHICLE ACCESS

- **Impact 7-5: Internal Circulation.** The Project includes proposed road grades that exceed 10% slope, which may hamper emergency vehicle access. However, the Napa Fire Department has reviewed the proposed road grades and street widths and determined that the proposed roads are within acceptable standards for emergency access, and that the slope and width (24") of the proposed emergency vehicle access road (EVA) is acceptable, provided that no parking is provided along this roadway⁸. Based on the Fire Departments' review, the Project provides adequate access for emergency vehicles. Additionally, the Project's proposed roadway design is consistent with General Plan Hillside Street standards, and provides adequate on-site circulation. This issue is *not considered to be an environmental impact* of the proposed Project.

Adequate turning radii at corners have been provided as part of the proposed Project to allow access to residents by the City of Napa fire engines and ladder truck.

The Project's proposed internal street improvements include the following:

- the Primary Access Road (connecting to Old Sonoma Road) is designed with a 36' street width and a 4' sidewalk adjacent to the curb on one side of the road within an overall 56' right-of-way. The projected traffic volumes on this road are between 650 and 1,500 average trips per day. According to City street standards, the street width is appropriate for this traffic level, but sidewalks should generally be provided on both sides of the street and should be separated by landscaping. However, the City's hillside/rural street section guidelines provide greater flexibility where site conditions make the standard section less desirable. If the Primary Access Road were designed to standard street sections, the amount of grading necessary to construct this road would increase, with potential increases in erosion and slope stability.

⁸ Conversation with Russ Pabarcus (Napa Public Works) and Steve Ciriani (Napa Fire Department), January 30, 1998.

- The Connector Road (the east-west road in the center of the project) is designed with a 34' street width and a 4' sidewalk adjacent to the curb on one side of the road within an overall 54' right-of-way. The projected traffic volumes on this road are less than 650 average trips per day. According to City street standards, the street width is appropriate for this traffic level, but again sidewalks should generally be provided on both sides of the street. The City's hillside/rural street section guidelines provide greater flexibility where site conditions make the standard section less desirable.
- The Secondary Access Road, the loop road and the cul-de-sacs are generally designed with a 32' street width, 4' sidewalks adjacent to the curb on both sides of the road where these streets provide frontage for residences, within an overall 52' right-of-way. The projected traffic volumes on these roads are generally less than 250 average trips per day. According to City street standards, the street width and cross-section is appropriate for this traffic level. The City's hillside/rural street section guidelines provide greater flexibility where site conditions make the standard section less desirable. The northerly-most portion of the secondary access road (near the connection to the emergency access road) tapers down to a 26' street width, but only serves 2 homes in this segment.

UNSAFE TRAFFIC CONDITIONS

- **Impact 7-6; Creation of Unsafe Conditions on Existing Roads.** Creating a new access point onto Old Sonoma Road could increase the potential for accidents at this intersection. However, the proposed Project access is located so as to provide appropriate sight distance for drivers at Old Sonoma Road, and a separate left-turn lane into the Project site is not warranted. This impact is considered *insignificant*, and no mitigation is required.

Project Access. Access to 81 units in the Project will be off a single road opposite Lilienthal Avenue or Old Sonoma Road. Access to four units (Lots 81, 82, 83 and 84) will be off of a common driveway on Caswell Street. There will be no connection between Caswell Street and the remainder of the Project.

Frontage improvements will be made on Old Sonoma Highway by the Project. Curb, gutter and sidewalks will be provided at the Project access.

Visibility along Old Sonoma Road at the Project access is excellent. The sight distance is 900 feet to the left and over 1,000 feet to the right.

A clear line of sight must be maintained between the driver of a vehicle waiting at the proposed Project access and the driver of an approaching vehicle. Corner sight distance provides adequate time for the waiting vehicle to either cross the near lanes and turn left or turn right without requiring through traffic on Old Sonoma Road to drastically reduce its speed. Corner sight distance requirements provide 7½ seconds for the driver on a crossroad to complete the necessary turning maneuver while the approaching through traffic travels at the assumed design speed. Corner sight distance for various design speeds is summarized in Table 7.10.

Table 7.10
Corner Sight Distance (7½ Second Criteria)

Design Speed (mph)	Corner Sight Distance (ft)
25	275
30	330
35	385
40	440
45	495
50	550
55	605
60	660

Source: California Department of Transportation, *Highway Design Manual* (1985)

The speed limit on Old Sonoma Road is 35 miles per hour east of Caswell Street. There is no posted speed limit on Old Sonoma Road west of Caswell Street. The maximum speed limit of 55 miles per hour for a conventional highway is operable.

A review of Table 7.10 shows that there is adequate corner sight distance for a vehicle making a left turn out of the Project's primary access road onto Old Sonoma Road to complete the maneuver without requiring through traffic to radically alter its speed. There is 900 feet of sight distance and only 605 feet of sight distance is required for 55 miles per hour approach speed.

Left-Turn Channelization. The methodology used to determine if left-turn channelization is warranted is based upon research performed by M.D. Harmelink for the Highway Research Board. The method uses the probability of multiple events occurring at a location where left turns are either measured or projected. The probability of a vehicle having to wait for an acceptable gap in the opposing traffic stream, the probability that the vehicle will complete a left-turn movement within a given time frame, and the probability that an overtaking vehicle is likely to come upon the waiting vehicle and be required to stop are the events considered.

The arrival rate of all of the conflicting vehicles is projected based upon the hourly volume for that movement using a Poisson distribution (negative exponential distribution) to determine the probability of an occurrence. The probability of a vehicle, or more than one vehicle, being in a position to make a left turn is based upon the volume projected to make the turn in the time period necessary to complete the turn plus the projected time waiting for an acceptable gap. The acceptable gap is projected based upon the number of vehicles which are in the opposing traffic stream that the left-turning vehicle must cross.

The probability of an acceptable gap of time in the opposing traffic stream is based upon a negative exponential distribution using the number of vehicles in the traffic stream, together with the time required by a left-turning vehicle to complete the turn.

The probability of an overtaking vehicle coming upon the left-turning vehicle while the left-turning vehicle is waiting to turn is also based upon a negative exponential distribution. The speed at which either the opposing vehicle or the overtaking vehicle is traveling is taken into consideration. If the approaching vehicle speeds are high, then the acceptable gaps for making a left turn are higher.

The probability that a vehicle will be turning, waiting to turn due to opposing traffic and an overtaking vehicle coming upon the waiting vehicle is used to determine the need for a left-turn lane. If the probability of such an occurrence is considered likely, then a left-turn lane is not warranted.

For an approach speed of 55 miles per hour, if the probability of occurrence is greater than 1.25 percent, then left-turn channelization is warranted.

The probability that a vehicle will be waiting to turn left due to opposing traffic and an overtaking vehicle will be coming on the waiting vehicle for existing plus project traffic is 0.14 percent during the morning peak hour and 0.69 percent during the evening peak hour. There is insufficient disruption to through traffic to warrant left-turn channelization under existing plus project traffic conditions.

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
		Mitigation Measure 6-2 C: Water Quality Enhancement. Pollutant source control measures should be incorporated into the design of the Project. In addition, the detention basins should be configured to provide water quality enhancement to the runoff from the proposed development.	
TRAFFIC AND CIRCULATION			
Impact 7-1: Project-Related Traffic Congestion. Traffic generated by the Project, when added to existing traffic levels, would not result in a significant change in level of service at any study intersections.	<i>less than significant</i>	None needed <i>WHAT!?</i>	<i>less than significant</i>
Impact 7-2: Exacerbation of Existing Traffic Congestion. Traffic generated by the Project will contribute traffic volumes to two unsignalized intersections (Imola Avenue/SR 29 Northbound and First Street/SR 29 Northbound) where the minor street volume is operating at LOS F. The increase in the volume to capacity ratio for the intersection with Project traffic is less than 10%.	<i>less than significant Project Impacts, but cumulatively significant</i> <i>WHAT!?</i>	Condition of Approval 7-2: Payment of Street Improvement Fees. Pursuant to City General Plan Implementation Programs T-1.C and T-1.D, the Project shall be required to pay standard Street Improvement Fees designed to fund the construction of street improvements identified in the General Plan that are aimed at resolving capacity, service level and safety problems associated with cumulative local and regional traffic impacts. New traffic signals are planned as part of the Street Improvement program at the intersections of First Street/SR 29 northbound and Imola Avenue/SR 29 northbound.	<i>cumulative impacts mitigated to less than significant.</i>
Impact 7-3: Increased Traffic Volumes on Foster Road. Traffic generated by the Project will add approximately 100 vehicles per day on Foster Road, which already carries more vehicles than prescribed for a residential collector street. However, the Project's contribution of traffic to this street is projected to result in an approximate increase of 3% in total traffic volume.	<i>less than significant.</i>	None needed. <i>WHAT!?</i>	<i>less than significant</i>

D41-22

Potential Impact and Level of Significance:		Mitigation Measures and Resulting Level of Significance:	
Impact 7-4: Lack of Bike Lane on Old Sonoma Road. Old Sonoma Road is shown in the Napa General Plan to have shoulder widening to provide for a Class II bicycle lane. The tentative map for the Project does not include shoulder widening along the frontage of Old Sonoma Road.	<i>potentially significant</i>	Mitigation Measure 7-4; Provide a Bike Lane on Old Sonoma Road. The Project should provide for shoulder widening for Class II bicycle lane on Old Sonoma Road along the Napa Oaks Project frontage. <i>MY-MY</i>	<i>mitigated to less than significant</i>
Impact 7-5: Internal Circulation. The Project includes proposed road grades that exceed 10% slope, which may hamper emergency vehicle access. However, the Napa Fire Department has reviewed the proposed road grades and street widths and determined that the proposed roads are within acceptable standards for emergency access, and that the slope and width (24") of the proposed emergency vehicle access road (EVA) is acceptable, provided that no parking is provided along this roadway. Additionally, the Project's proposed roadway design is consistent with General Plan Hillside Street standards, and provides adequate on-site circulation.	<i>Not an impact</i>	None needed. <i>WHAT!?</i>	<i>No impact</i>
Impact 7-6: Creation of Unsafe Conditions on Existing Roads. Creating a new access point onto Old Sonoma Road could increase the potential for accidents at this intersection. However, the proposed Project access is located so as to provide appropriate sight distance for drivers at Old Sonoma Road, and a separate left-turn lane into the Project site is not warranted.	<i>less than significant</i>	None needed <i>WHAT!?</i>	<i>less than significant</i>
AIR QUALITY			
Impact 8-1: Construction Emissions. The proposed Project would result in air quality impacts due to dust generated by equipment and vehicles operating at the site during construction.	<i>potentially significant</i>	Mitigation Measure 8-1: Construction Dust Control Program. Construction contracts shall require contractors to prepare and implement a construction dust mitigation plan.	<i>mitigated to less than significant</i>
Impact 8-2: Project Vehicle Emissions. The estimated emissions associated with Project-generated traffic are well below the threshold of significance.	<i>less than significant</i>	None needed.	<i>less than significant</i>
Impact 8-3: Local Carbon Monoxide Concentrations. The Project would not exceed the BAAQMD recommended threshold of significance of 550 lbs./day.	<i>no impact</i>	None needed.	<i>no impact</i>

D41-23

RECEIVED

NOV - 1 1999

PLANNING DEPARTMENT

To:
City Planning Dept.
RE: NAPA Oaks Subdivision

I was unable to go downtown to read the EIR Report due to a job. Writing illness.

But I did watch the meeting on Channel 45.

As an aside comment, I felt the representative of the report had not read it himself or had not addressed the questions asked of him from the few speakers with any adequate answers.

My questions are:

- D42.1
- ① Does anyone realize how much the amount of cars are really going to impact Old Sonoma Rd, Foster Rd and Hillcrest St. What if we started to impact & had to haul it. It has to be a joke, there is always an impact with even weekend cars.
 - D42.2
 - ② The amount of oak trees to be removed is outrageous. You can not possible take oak trees and replant them as street trees. Where have you ever seen that done?
 - D42.3
 - ③ The hillside is to steep for homes. The mushrooms and shippage has gone on there since the spanish arrived. There are a number of natural springs on that hillside. How do you plan to handle them?

D42-1

D42.4

④ How are the subdividers going to get a permit to put a huge water tank on a parcel of land that is in the county? > believe the property the intend to put it on is only 37 acres.

D42.5

⑤ I remember not so long ago, that we had a drought. Could not water lawns limited water allowance and fires when we did not rain. Has the city good solid contracts with other water providers, etc. we will have enough water to supply all these new homes plus those of us who are life time residents of Napa. If I wanted to live in a desert I would move to Palm Springs where the housing is cheaper.

D42.6

There has to be a better way to handle our housing than to forever blight our beautiful hillsides. I watched in horror as beautiful Santa Clara and Contra Costa counts were paved over. Once this insidious growth gets it hold on a county, there is no turning back the clock. All of you should be well aware of that fact.

Please excuse my handwriting as I have nerve damage to my extremities

I sincerely hope you do the right thing and save our hillsides!!

Thank You

Patricia Patten

RECEIVED

NOV - 1 1984

PLANNING DEPARTMENT

D42-2

Napa Citizens oppose Napa Oaks

Dear editor,

In response to your article of Friday, Oct. 1, titled, "Napa Oaks hearing quiet, quick" by Chris Metinko:

We take exception to the headline and his portrayal of the meeting as lacking dissension.

The light turnout was due to the fact that very few people were informed of the meeting until the week prior.

In addition, the meeting was fairly quiet because Bill Kampton, the commission chair, made it clear that the public hearing would be limited to questions about the draft EIR only — no discussion on the matter was allowed.

We also take issue with Metinko's reporting on the comments made by Jeffrey Thayer, vice president of Davidson Homes, the developer in question, who mentioned that "a mass mailing by his company to local residents for face-to-face meetings drew little response." Metinko failed to add that Thayer said the mailing was sent to approximately 20 residents close to the project. We hardly consider this a "mass mailing."

We live within 500 feet of the proposed project and never received an invitation to any meeting.

We have carefully reviewed the draft EIR and have serious concerns about the detrimental impact this project will have on us personally, on the character and lifestyle of our neighborhood and the entire community of Napa. We sincerely hope that the Napa Planning Commission will disallow any of the proposed changes to

the General Plan and the current zoning requested by the developer, finally forcing them to accept the limits of the law and to proceed with development consistent with it.

The City Council was wise in its decision to protect this hillside with a Resource Area designation for a wide range of environmental and safety issues including water runoff, noise and traffic. The EIR notes that the hillside is extremely steep in many places, and that there is fault activity and landslides there as well.

There is no way to mitigate the destruction of the scenic views, open space and biological resources. Two hundred ninety-five trees will die. There is no compensation for this. Many animals will lose their homes. Where will they go?

We encourage all of our neighbors to stay vigilant and keep this development from being shoved down our throats.

Patricia Jennings
Andre La Velle
Napa

D42-3

D43

October 27, 1999

Ms. Jean Hasser, AICP
Associate Planner
City Of Napa Planning Department
1600 First St. P.O.Box 660
Napa, CA 94559-0660

RECEIVED

NOV - 1 1999

PLANNING DEPARTMENT

Dear Ms. Hasser:

I am writing to you regarding the proposed Napa Oaks Subdivision.

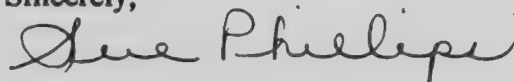
I have lived on the corner of Foster Road and Illinois since 1973. I have always enjoyed our neighborhood and the surrounding area. The hills and trees and animals are a welcome sight each day. I would hate to see all that lost forever. But, besides the nature side of my feelings, there also is a practical side to my rejection of this project. Here are some of my concerns.

The water table is very high in this area and when there are heavy rains, as there have been in past years, the street floods on Foster Road because of all the run off from the higher streets and the hills. (I also have a storm drain on my corner.) Now the water soaks into the hill and only when the hill is totally saturated does the run off occur. The water also seeps out of the street and other surrounding streets and runs off for days even when the rain has stopped. With the building of 83 homes there will be tremendous run off to Old Somoma, Casswall and surrounding streets. The storm drains cannot handle this. They barely handle it now.

There will be more traffic and noise in our area. Each house will have at least two cars. That's 166 more cars to come down Old Somoma and Foster Rd. It's crowded enough now. We also have school traffic with Snow school being down Foster Rd. This area and the surrounding neighborhoods use Foster Road as a travel route to other areas of town and also leaving town with the access to Highway 29 being just off Imola Avenue.

To go ahead and destroy the hillside and clutter it up with homes and a water tower would be very ugly. This project was already put to the voters and rejected. How else must we say - WE DON'T WANT THIS PROJECT.

Sincerely,



Mrs Sue Phillips
393 Foster Road

D43-1

NOV - 2 1993

PLANNING DEPARTMENT

NAPA OAKS ENVIRONMENTAL ISSUES

To mitigate: "to make or become less severe or intense: moderate." Are we to believe that all of the issues that the EIR suggests can be mitigated will be addressed? Upon reading the EIR I wish to make the following observations.

D44.1 | Figure 2.1 There is an area designated "adjacent estate housing." What is the definition of "estate housing"? The dictionary defines it as: "a landed property, usually of considerable size."
Six homes on approximately 5 acres can hardly be considered "estates".

Page 4-2 EIR reports "intermittent drainage on the Project sight." "An erosional gully is located in the northeastern portion of the property. The gully loses definition near the eastern property boundary and any water that may be carried in the channel during storm events continues down slope as surface flow onto the adjacent property."

D44.2 | Page 4-5 Describes the "seasonal ponds", "wetland swales", "held water to a depth of about 8 inches."

It should be noted that neighbors in the "adjacent properties" endure run off for extended periods of time—even after "storm events." The streets seep water endlessly and form a slimy green moss. Some lots experience wet conditions the year round and have mildew in their living quarters. Isn't it reasonable to expect that this will increase with the grading and building of houses and roads— thereby covering the land so rainfall cannot soak in, therefore increasing the amount of runoff on the properties below the hill?

Page 9-7 Truchard Vineyard Wind Machine Noise: "Adjacent agricultural operations would expose most proposed homes with the Project to occasional night time wind machine noise."

Why just the proposed homes? In the existing neighborhood we can hear the wind machines as far away as upvalley.

D44.3 | Page 9-8 Truchard Vineyard Tractor Noise: "Noise from the operation of the tractors would be clearly audible at the lots along the western & southern property lines of the Project approximately 25 days a year."

25 days a year? That is minuscule compared to actuality. With 60 producing acres and 85 more planted— the work of discing, dusting and harvesting is continuous except during the rainy season. We can already hear the tractors working in the "adjacent neighborhood."

The EIR recommends "sound-rated windows and other exterior assemblies" in the new construction. What about the hundreds of older homes in the surrounding and adjoining neighborhood?

I respectfully suggest that those of us who have lived in the area for 30-40 or more years should also be considered in the deliberations of the impact this project will have on the area.

Betty J. Kendrick
2781 Idaho St.
Napa, CA 94558

City of Napa Planning Commission
Summary of Comments
September 30, 1999 Public Hearing on Napa Oaks Project Draft EIR

Introduction:

Planning Commission Chair Bill Kampton described the application process and where tonight's public hearing is in that process. He said tonight is an opportunity to comment on the adequacy of the Draft EIR only. All comments received tonight or received in writing by October 29, 1999, will be printed in the Final EIR and responded to in writing by the EIR consultant. Once the Final EIR is prepared, the Planning Commission will hold another hearing on the proposed project and the Final EIR. That hearing is likely to occur in January. Mr. Kampton noted that some people may wonder why this project is before the Commission tonight, when the City Council changed the General Plan last year and designated most of the site as "Resource Area". He said that any person has the right to file a General Plan Amendment request. That is what the applicant has done, and that is why the City is considering the project. He further noted that while the applicant is paying for the EIR, the EIR consultant was selected by the City and takes direction from the City.

Public Comments:

- PH1.1 | 1. *Muriel Fagiani, 905 Caymus Street.* Ms. Fagiani commented on tonight's public hearing process. She stated that people should be able to speak about environmental concerns they have regarding the Napa Oaks project; and they shouldn't feel they could only comment on pages in the EIR, and Commissioners agreed. She also asked why the State Clearinghouse number had been changed.
- PH2.1 | 2. *Emma Greer, 713 Carolina Street.* Ms. Greer stated she has been on a list for housing for 3 years and wants a house.
- PH3.1 | 3. *Jeff Thayer, representing Davidon Homes.* Mr. Thayer said this is the same application they started on three years ago. He stated they believe the DEIR inaccurately characterizes the site as an 80 acre undeveloped "hillside site", and it should be modified. He wanted people to understand that most proposed homes are *interior* to the site as shown on display Maps.
- PH4.1 | 4. *Allyn Bagshaw, 2731 Illinois Street.* Mr. Bagshaw had three comments.
- On p. 2-14 of the Draft EIR, he read two General Plan land use policies LU 1.2 and LU 4.1: "The City shall strive to preserve and enhance the integrity of existing neighborhoods and to develop new neighborhoods with similar qualities as the existing neighborhoods"; and "The City shall require new residential development...to be consistent with the general typology of the surrounding area.". He believed those General Plan policies are violated by the project. He stated the proposed large homes are not consistent with the existing integrity of the Casswall neighborhood.
 - He said on p. 4-12, the draft EIR says development of the project will remove 25 acres of oak woodlands. He agreed with the EIR that this *is* a significant impact. The project would remove 312 of 595 trees on the site or 55%. He said oak woodlands are a significant biological community, and that wetlands habitat is also going to be filled. He said that the project proposes planting 467 trees in open space areas to compensate for the tree loss, and that while this sounds OK at first, they're going to be 1 and 5 gallon oaks. He asked how 1 and 5 gallon oak trees could adequately mitigate loss of the existing woodland? He also asked whether there is a distinction between coast live oaks and oaks, and whether they are replacing the oaks with coast live oaks or other oaks?
- PH4.2 |

PH4.3

- Third, he said the EIR on p. 7-16 projects that the project will generate 785 trips per day, and Table 7.7 then shows how this works out. He asked why the initial environmental assessment used a figure of 850 trips per day last year and it is now 785. Why is there a difference? He also questioned the conclusions in the summary of the EIR that traffic impacts except for a bike lane, are “less than significant” and asked what criteria were used in coming to this conclusion. He particularly questioned Impact 7-6, which discusses safety on existing roads. He said the consultant needs to drive the area under all weather conditions and see how unsafe a main entry at Lilienthal and Old Sonoma Road would be. He asked what criteria were used when rating whether this impact was significant. Further, he asked whether these traffic impacts were evaluated for all weather conditions, including ice.

PH5.1

5. *Pat Holmes, 2759 Idaho Street*, stated a concern about water runoff. They already have green slime on the street during the rainy season; has the EIR addressed this issue?

PH6.1

6. *Janet Barth, 116 Roosevelt*. Ms. Barth stated she works for the Wildlife Rescue Center.

- She asked whether there are mitigations in the EIR for the increased cats which will occur as a result of the subdivision, and consequent increased songbird predation. She said if there are not, she could suggest a mitigation: the applicant (and future applicants) could be asked to contribute to a permanent facility for the Wildlife Rescue Center.

PH6.2

- She asked, regarding the oak forest, did the EIR consider that it takes certain circumstances for oaks to grow? Many trees will die before they are established. Has the EIR addressed how successful the proposed mitigation measures would be in establishing a new oak woodland? In other words, does the mitigation measure include methods to assure successful establishment of new oak woodlands?

PH7.1

7. *Andre LaVelle, 2787 Jennings*. Mr. LaVelle stated he had a question regarding Impact 4.1 – loss of grasslands. He asked what is the actual impact of such habitat loss? With the destruction of grassland habitat, where will raptors and other animals move to?

PH8.1

8. *Mark Russell, 2728 Illinois Street*. Mr. Russel had three concerns.

- He has concerns about water runoff. He hadn't seen anyone look under his house. He wondered if the consultants had asked existing owners about the current runoff situations they face.

PH8.2

- Second, he questioned the adequacy of the proposed poplar tree screening, as poplars are deciduous trees.

PH8.3

- Last, he asked how the projected 100 trips per day figure for Foster Road had been arrived at.

PH9.1

9. *Jack Kramer, 2760 Illinois Street*. Mr. Kramer asked whether impacts of irrigation on the existing oaks had been evaluated in the EIR.

PH10.1

10. *Dan Martin, 3255 Old Sonoma Road*.

- Mr. Martin stated noise impacts are a concern. He asked whether the EIR had evaluated potential impacts of noise generated by traffic on the new subdivision road on existing homes in the Casswall area and proposed new homes.

PH10.2

- His second concern was whether the project had been designed to be compatible with the RUL and adjacent agricultural land uses.

There being no further comments, the public hearing was closed at 8:40 p.m. The Chair then recognized Jeff Thayer, Davidon Homes. Mr. Thayer extended an invitation to all those present to talk with him and to visit the site, to gain a better understanding what it is Davidon is proposing.

Responses to Comments on the Draft EIR

Introduction

The following chapter of this document contains responses by the EIR authors to the verbal and written comments on the Draft EIR as contained in Chapter 3. Where revisions to the Draft EIR are appropriate, such changes are summarized below, and the actual text changes are included in Chapter 2. Responses marked with a “↔” symbol indicate those responses which result in a revision, change or amendment to the Draft EIR document. Each response is numbered to correspond to the numbered comments contained in Chapter 3.

After reviewing all of the comments received on the Draft EIR, the EIR authors have found that there are several specific environmental issues or topics that have been commented on by numerous agencies or members of the public. Instead of repeating the same answer to each of these comments, the first portion of this chapter provides a general response to each of these issues or topic areas. Where appropriate, the reader is then referenced to the general response following their specific comment. Environmental issues or topic areas for which a general response has been prepared include:

- determining levels of significance for environmental impacts,
- on-going maintenance needs for identified mitigation measures or conditions of approval,
- traffic safety on Old Sonoma Road,
- traffic impacts on Foster Road,
- landslide hazards and slope instability,
- storm water runoff onto adjacent neighborhoods, and
- feasibility of the recommended oak woodlands mitigation measure.

General Response to Comments on Levels of Significance

Several comments on the Draft EIR have been received that have questioned the methodology or approach used by the EIR authors for determining whether an impact is considered “significant”, and whether a mitigation measure can reduce these impacts to levels considered to be “less than significant.” The EIR authors have relied on the California Environmental Quality Act, CEQA Guidelines, Section 15382, which defines ‘significant effect on the environment’ as “a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the Project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic and aesthetic significance.” However, this definition still relies on the term ‘substantial adverse change’, which can be argued to be a subjective determination. As noted by the California Resources Agency in its Article #1098 addressing the most recent update to CEQA Guidelines (http://ceres.ca.gov/ceqa/ceqa-article_1098.html):

“No subject addressed in the CEQA Guidelines over the past few years has been more controversial than the revisions assisting lead agencies in the job of determining the significance of effects which may be caused by Projects they are reviewing. Arguably, the two most important discretionary determinations that a lead agency must make in the CEQA process are whether the environmental consequences of the Project are “potentially significant”, and whether the environmental consequences of the Project are, in fact, “significant” on the basis of the information in the environmental impact report [“EIR”]. And, it is easy to see why these two issues are so debated and so controversial. Both decisions affect the timing and cost of Projects and the amount of environmental protection, either by requiring the preparation of an environmental impact report [“EIR”] and/or by requiring the Project to avoid or mitigate those effects found significant.

Guidance to lead agencies in making these critical determinations is found in several sections of the Guidelines. Section 15064 provides the basic guidance to lead agencies in determining the significance of a Project’s effects. Section 15065 provides the conditions for which lead agencies are mandated to determine significance and thus, require preparation of an EIR or require mitigation to reduce the effect to less than significant in order to prepare a mitigated negative declaration.

... the latest revisions [to CEQA Guidelines]: (1) clarify the role of regulatory standards in determining significance; (2) add a section to encourage lead agencies to develop and publish cognizable thresholds of significance; (3) assist lead agencies in the threshold determination of whether a Project’s impact is cumulatively considerable; (4) merge and enhance Appendices G and I to provide a better tool to lead agencies in determining the level at which an effect is significant; and (5) add a section to address impacts to historical and archeological resources.”

In preparing the Napa Oaks EIR, the authors have relied on Sections 15064 and 15065 of the CEQA Guidelines, as well as the enhanced Appendix G Environmental Checklist in determining the level at which an effect is considered significant. Examples of how these guidelines have been used include:

- Regulatory standards have been used where applicable, such as the federal and state regulations regarding endangered species and federally protected wetlands. CEQA Guidelines section 15065, subdivision (a), has been relied on to derive the threshold

affecting listed species (i.e., the reduction in the number or restriction in the range of such species is a significant impact). This section provides a *lower threshold* than could be derived from the concepts of “take” or “jeopardy” in the endangered species statutes. Though section 15065 certainly is linked to these statutes because they supply the listed species to which the threshold applies, section 15065 sometimes requires a finding of significant impact even where no take or jeopardy would occur. By using Appendix G to the CEQA Guidelines, we have given weight to Fish and Game and Fish and Wildlife categories such as sensitive or special status species.

- Published threshold criteria developed by the City of Napa (as lead agency) or other responsible agencies have been used throughout the document. Examples of these published threshold criteria include:
 - Napa County Flood Control District’s agreement with the US Army Corps of Engineers to confirm that land use changes within the Napa River drainage basin will not result in an increase to the water surface elevations at peak 100-year design flow,
 - Bay Area Air Quality Control District’s thresholds of significance for precursors of ozone,
 - City of Napa General Plan policies pertaining to “normally acceptable” outdoor noise levels, and
 - City of Napa General Plan policies and the Napa County Congestion Management Agency’s policies and guidelines for traffic levels of service standards.
- Environmental Checklist criteria as published in the updated Appendix G of CEQA Guidelines have been referenced and used throughout the Draft EIR document.
- New CEQA Guidelines, Section 15064.5 have been used to define significant cultural and historic resources.
- Other significance criteria have been derived from published sources including the City General Plan, Hillside Development Guidelines, Policy Resolution 27 (establishing standard mitigation requirements) and other Environmental Impact Reports certified by the City.

Ultimately however, under current statute and guidelines, it is the Lead Agency for this EIR (the City of Napa) that is required to determine whether a Project may cause a significant effect on the environment. If the City finds that the information contained in the EIR, including the criteria used to define significant environmental effects, provides an adequate basis upon which to make an informed decision on the proposed Project, the City will certify the EIR as “technically adequate”. The City may also determine that additional analysis is necessary before it can conclude that the document is technically adequate.



General Response to Comments Regarding On-Going Maintenance Needs For Identified Mitigation Measures Or Conditions Of Approval

Certain mitigation measures and/or conditions of approval recommended in the Draft EIR rely on on-going maintenance or operations to prevent potential future environmental effects associated with the Project. The City will be responsible for ongoing maintenance of public facilities including main subdivision streets, storm drainage and water lines within the streets, and the water tank.

The applicant has proposed individual property owner responsibility for ongoing maintenance of the storm drainage detention basin(s), storm drainage cross-easements, the emergency access road, landslide repair and debris barriers and the conservation easement areas, including the agricultural buffer, the oak woodlands habitat, wetland re-creation area and areas where the oak habitat and steep slopes are being retained. However, City staff in conjunction with the City Attorney's office, has determined that the overriding public interests of safety and environmental protection require that long term ongoing mitigation requirements need to be the responsibility of a single "person", e.g., homeowners association, in order to ensure effective mitigation as well as appropriate enforcement mechanisms including, but not limited to, lien rights against property owners who refuse to make the required payments.

Mitigation measures pertaining to the above-listed facilities and easement mitigation areas shall be amended (see Chapter 2) to include a provision requiring the establishment of a homeowners association to carry out and be responsible for the on-going maintenance and up-keep of the measures.

A homeowners association is considered necessary for the mitigation measures to be "feasible" in that the City is not interested in taking over the long term maintenance of these project mitigation facilities and areas, but wishes to have the ability to reliably and efficiently enforce maintenance if necessary through the establishment of one entity with lien rights.

Mitigation Measures 6.1A and 6.2C (dealing with Storm Drainage Detention Basins); 10.5B (emergency access road); 4-2B, 4-4B, 11.1B and 11.1C (Conservation Easements and Oak Habitat Preservation and Creation; 2-5D (Agricultural Buffer); 3-3C (Landslide Repair) and 3-4A (Debris Barriers) are amended (see Chapter 2) to include a provision requiring the establishment of a homeowners association to carry out and be responsible for the ongoing maintenance and monitoring of the measures.

General Response to Comments on Old Sonoma Road Traffic Hazards

Numerous comments have been received voicing concern that the Project will result in, or contribute to existing traffic safety hazards on Old Sonoma Road, particularly at the Project's proposed access road across from the existing intersection at Lilienthal Road. The physical characteristics of Old Sonoma Road are described on page 7-2 of the Draft EIR. Old Sonoma

Road is a two-lane road with 12-foot travel lanes within a 40-foot paving width. The roadway narrows to a 32-foot cross section along the Project frontage, with two 12-foot travel lanes and two 4-foot wide shoulders. The posted speed limit on Old Sonoma Road is 35 miles per hour east of Casswall Street. There is no posted speed limit on Old Sonoma Road west of Casswall Street, but the maximum speed of 55 miles per hour for a conventional highway is operable. Warning signs on the eastbound upgrade near the Project site include a DEER symbol, ICY, and SLIPPERY WHEN WET warnings. According to the City General Plan, Old Sonoma Road is defined as a minor arterial street. Currently, daily traffic on Old Sonoma Road is approximately 3,000 vehicles per day near Carneros Highway (SR 12/121), and 3,100 vehicles per day near the Project site (see Figure 7.1 of the Draft EIR).

Based on the Institute Of Traffic Engineers' *Highway Capacity Design Manual*, two-lane arterial streets have a maximum capacity of approximately 2,240 vehicles per hour. This maximum capacity represents a poor level of service rating of LOS E. During the peak hours, traffic volumes west of the Project site are currently 353 vehicles per hour¹, or approximately 16% of the capacity of the road. This represents a stable flow situation, mid-way between LOS B and C. The origin/destination analysis for the Project (see Table 7-8 of the Draft EIR) indicates that approximately 20% of the traffic generated by the Project will use Old Sonoma Road west of the site. This Project-generated traffic would equate to approximately 160 vehicles per day or 17 trips during the peak hour being added to this segment of the roadway. These Project trips would increase the peak hourly flow to 370 vehicles per hour, or to approximately 16.5% of the capacity of this road. This increase in Project-generated traffic would not result in an increase to the stable traffic flow condition of mid-way between LOS B and C. Statistically, an increase of 160 vehicles per day resulting from the Project on a roadway carrying approximately 3,100 vehicles per day (a 5% increase in daily traffic volumes) will not result in an increase of accidents, and is not considered a significant impact.

The segment of Old Sonoma Road between Lilienthal Avenue and Foster Road will experience the greatest increase in traffic volume due to the Project. Eighty percent (80%) of the traffic generated by the Project, or 630 vehicles per day, will use that street segment. The frequency of traffic on Old Sonoma Road between Lilienthal Avenue and Foster Road will increase from one vehicle every 10.5 seconds to one vehicle every 8.5 seconds during the peak period. East of Foster Road the increased traffic on Old Sonoma Road will decrease to approximately 315 cars, or 40% of the traffic generated by the Project. Major intersections on Old Sonoma Road and elsewhere within the City east of Lilienthal Avenue have been analyzed in the Draft EIR, and no significant Project-related intersection impacts were identified.

The potential traffic safety hazards at the Project's proposed intersection at Old Sonoma Road across from Lilienthal Avenue were discussed in detail in the Draft EIR under Impact 7-6 starting on page 7-25. This discussion evaluated the potential warrants for left turn channelization of Old Sonoma Road. Based on this analysis, there would be insufficient

¹ On any given day the weekday volume can vary plus or minus 18% compared to the average volume.

traffic disruption to through traffic on Old Sonoma Road to warrant left-turn channelization at this intersection. This impact is not considered significant.

In regard to pedestrian safety at this intersection, there is excellent visibility from the proposed intersection with Old Sonoma Road opposite Lilienthal Avenue. The clear sight distance up the hill on Old Sonoma Road is 900 feet. A person can walk across Old Sonoma at Lilienthal (which is 36 feet wide) in 9 seconds at a slow walking rate of 4 feet per second. A car coming down Old Sonoma Road would have to travel 100 feet per second in order to reach the intersection in 9 seconds. This is a speed of over 68 miles per hour on a road with a posted speed limit of 55 mph. Although this is theoretically possible, it is not a normal occurrence on a City street. However, as noted above, when Project traffic is added to the street network the frequency of traffic on Old Sonoma Road between Lilienthal Avenue and Foster Road will increase from one vehicle every 10.5 seconds on average to one vehicle every 8.5 seconds on average during the peak hour. This frequency in traffic flow affects the ability of pedestrians to cross Old Sonoma Road during the peak hour with or without the Project.

In order to address this cumulative pedestrian safety issue, the City may wish to consider reducing the posted speed limit on Old Sonoma Road west of Casswall Street. In order to change the speed limit on Old Sonoma Road the City traffic engineer would need to conduct a traffic survey and set the new speed limit at 85 percentile of existing travel speeds. However, traffic speeds and vehicle frequencies are not issues created by the proposed Project, and are not considered a significant impact of the Project. Additionally, in regard to pedestrian and bicycle safety along Old Sonoma Road, the Draft EIR recommends Mitigation Measures 7-4: Bike Lane on Old Sonoma Road. This measure would require the Project to provide for shoulder widening as needed, striping and marking for a Class II bicycle lane on Old Sonoma Road along the Project frontage south to Casswall Street. This bicycle lane would provide for enhanced bicycle and pedestrian safety along this roadway.

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General Response to Comments on Foster Road Traffic Impacts

Numerous comments have been received by the City expressing concern about the amount of increased traffic projected for Foster Road as a result of the proposed Project, and questioning the analysis presented in the Draft EIR on pages 7-23 through 7-25. Foster Road is designated on the Napa General Plan as a collector street. Collector streets serve as connectors between arterial roads (i.e. Old Sonoma Road) and local streets, and provide direct access to parcels. As indicated in Table 3-2 of the Napa General Plan, collector streets may carry as much as 12,000 vehicles per day, but the text of the table states “collectors with volumes in excess of 3,000 vehicles per day may impact adjoining residences, requiring mitigation.” Currently, traffic on Foster Road is estimated to be approximately 3,300 vehicles per day.

The analysis presented in the Draft EIR Projected that the Project would add approximately 100 vehicles per day to Foster Road, resulting in a 3% increase to traffic on this roadway.

The threshold of significance identified in the Draft EIR for local roadway impacts is an increase of 10% or more in traffic on a residential collector or local access road currently carrying more than 3,000 vehicles per day. Therefore, the Draft EIR concluded that the Project would not result in a significant impact on traffic on Foster Road.

City staff and the EIR authors have reviewed this section of the Draft EIR and have found a discrepancy between the tables and text in the calculation of traffic expected for Foster Road. The information presented in Table 7.8 and Figure 7.3 of the DEIR find that Foster Road is projected to carry approximately 40% of the total daily traffic generated by the Project. This calculates to 314 vehicles per day on Foster Road, not the 100 vehicles per day described in text under Impact 7-3. This traffic includes vehicles traveling to/from the north via SR 29, Imola Avenue West, Foster Road and Old Sonoma Road; to/from the east via Imola Avenue, Foster Road and Old Sonoma Road; and to/from the south via SR 29, Imola Avenue West, Foster Road and Old Sonoma Road. This error affects the information presented in the Draft EIR, and is amended as shown in the Recirculated Portion of the Draft EIR, pages 25-27, Appendix 4.

General Response to Comments in Regard to the Potential for Landslides and Slope Instability at the Project Site

Again, many of the following comments on the Draft EIR expressed concern about the suitability of the Project site for residential development given its existing landslide and slope instability potential. These issues have been addressed in detail within Chapter 3 of the Draft EIR. As noted on page 3-18 of the Draft EIR, *“Several geotechnical investigations have been conducted at the site including recently completed work by Phoenix Geotechnical Engineering (1998). The Applicant's geotechnical and geologic investigations are considered adequate in scope and level of detail for the current level of planning and subdivision design.”* In general, the conclusions of the investigations conducted for this EIR (as noted on page 3-16 through 3-17 of the Draft EIR) have revealed; *“... the presence of relatively minor landsliding along the easterly edge of the Project site. Landslides are also mapped along the west edge of the Project site. A suspected landslide is mapped near the swale area in the southwest portion of the Project site. These landslides are shown on Figure 3.3. Landsliding was observed along portions of the access road to the water storage tank site. Two large landslides were mapped downslope of the access road as shown on Figure 3.4.”* The Draft EIR also identifies potential geological hazards at the site consisting of soil creep, soil sloughs and rock falls and erosion.

The level of geotechnical information developed for the Project to date is more extensive than is customarily required for EIR documentation. However, the City of Napa in consultation with the EIR authors determined that it was necessary to conduct such extensive evaluations in order to determine the type and extent of necessary mitigation and possible secondary impacts related to a mitigation measure. Mitigation measures are recommended in the Draft EIR to reduce geological hazards of landslides and slope instability to a level of less than significant through appropriate remediation techniques. Substantial effort has been made in preparing the Draft EIR to ensure that the mitigation measures recommended in the

Draft EIR are technically feasible and can be accomplished in the field given the geological structure of the soils and bedrock of the site.

The specific mitigation measures and conditions of approval that are recommended for the Project to address potential landslides and slope instabilities include:

- **Mitigation Measures 3.3A through 3.3C**, which require landslides to be repaired through removal of the slide and re-building the slope as a compacted engineered fill with subdrains, using retaining walls to protect properties from potential landslide debris, and detailed investigations, repair plans and reports.
- **Mitigation Measures 3.4A through 3.4C**, which require construction of debris barriers, removal of loose rocks and re-routing of runoff away from areas with potential soil slough or loose rocks,
- **Mitigation Measure 3.5A: Testing and Inspection** requires the Project engineering geologist and geotechnical engineer to be present to inspect and test all Project grading and construction of remedial measures in areas with steep slopes. Landslide remediation techniques may include over-excavation and compaction, buttress fills, keyways and benches.
- **Mitigation Measure 3.5B: As Built Mapping**, which requires documentation of the as-built condition to record any differences in the geological conditions encountered during grading, and any changes required and approved by the City to account for these differing field conditions.
- **Mitigation Measure 3.5C: Additional Peer Review**, which requires the Project to fund a professional geotechnical peer review of the grading and development plan prior to Final map approval.
- **Mitigation Measures 3.6 A through 3.6D**, which require all fill slopes to be placed onto areas that have been excavated down to firm materials, keyed into firm rock, include a system of subdrains, be over-excavated and replaced with compacted fill, and not use oversized materials in the fill.
- **Mitigation Measure 3.7 A and B: Cut Slopes and Cut Slope Design**, which restricts slopes generally to a maximum inclination of 2 horizontal: 1 vertical, and requires detailed remediation designs such mid-slope benches, buttresses and other slope stabilization techniques.

The EIR authors have concluded that all significant geotechnical impacts associated with site grading and development can be mitigated to less-than-significant levels using established engineering methods as required by the mitigation measures recommended in the Draft EIR as long as they are incorporated in the certified EIR and Project approvals. Once approved, if these mitigation measures were not carried out then completion reports could not be prepared and the subdivision's grading plans, final maps and building permits would not be approved.

General Response to Comments Regarding Storm Water Runoff Onto Adjacent Neighborhoods

Figure 6.1 of the Draft EIR shows a substantial watershed area on the Project site that currently drains off of the hill above the Casswall neighborhood. Drainage from this area includes both surface runoff and seep into the groundwater. This drainage surfaces along Casswall Street and enters into an 18-inch storm drainage pipe at an inlet located at the intersection of Casswall Street and Idaho Street. As evidenced by numerous comments on the Draft EIR, this storm drain inlet is already subject to frequent overflow conditions, resulting in storm water backups and ponding in adjacent properties. Many neighbors in this area have installed sump pumps and other drainage devices to alleviate flooding and ponding conditions in their yards and basements. Numerous comments from neighbors in this area have been received expressing concern that the Project will exacerbate this drainage problem, leading to worsening flood conditions at their residence.

The Draft EIR analyzed this issue as it pertains to the proposed Project. Under the Project's proposed grading and drainage design, runoff from this watershed would not continue to flow across and seep into the hillside at current rates. Instead, runoff generated in the watershed above Casswall Street (internal to the Project area) would be diverted off of the hillside and routed through drainpipes constructed under the proposed streets or within diversion structures within the subdivision, and ultimately directed to a detention basin. This detention basin is recommended to be located onsite near Casswall Street (see Figure 6.3 of the Draft EIR). Drainage from Lots #75 through 80 would be directed back towards the Projects' primary access road and into drainage inlets. Drainage from Lots #68 through 74 would be collected within drainage diversion structures (concrete-lined swales) built in the back yards of these homes and then diverted through these swales to the storm drain system in the primary access road. With this drainage system design, although runoff within the Project area would be increased as a result of increased impervious surface, these flows would be diverted and detained on-site instead of continuing to run off-site. Additionally, groundwater seeps into the hillside from rainfall would be reduced as compared to existing condition because there would be less storm water runoff available to the hillside. This water would instead be diverted into the new drainpipes and delivered to the detention basin.

As noted on page 6-10 of the Draft EIR, *"The reduction of this drainage from off of the hillside is a positive impact of the Project, reducing surface flows and groundwater seeps from the potentially unstable hillside slopes, and minimizing ponding that occurs in the rear yards of homes along Casswall Street."*



General Response to Comments on the Feasibility of the Recommended Oak Woodlands Mitigation Measure

The Draft EIR recommends Mitigation Measure 4-2B: Oak Woodland Habitat Preservation and Creation to provide mitigation for the loss of oak woodlands on-site as a result of Project development. The City has received several comments questioning the feasibility of this mitigation measure and its effectiveness in providing adequate mitigation for the loss of oak trees from the Project site. In general, the EIR authors' response to these comments is as follows:

The Draft EIR mitigation measure requiring the preservation and creation of oak woodland habitat is intended to provide compensation for the loss of oak woodland habitat that would be removed as a result of development. This measure recommends several components as part of the mitigation for loss of oak woodland habitat including:

- The preservation of off-site, undisturbed oak woodland habitat at a ratio of 1-acre of preserved habitat for each acre of removed oak woodlands,
- On-site creation of new oak woodland habitat at a ratio of 1 acre of new oak woodlands created for each acre lost as a result of development,
- Within the new oak woodlands creation area, a ratio of three (3) new trees are to be planted for every one tree removed, and
- A homeowners association should be established to provide for the management and long-term maintenance of the preservation site and the new oak woodlands created on-site.

Within the newly created oak woodlands area(s) the trees are to be planted in such a manner as to mimic the tree canopy and density of the removed trees. Several comments have suggested that the mitigation planting consider other native tree and shrub species that should be planted along with the oak trees, and the EIR authors agree with this recommendation. The mitigation measure is amended to include this additional consideration as part of the tree-planting program. This amendment is consistent with the requirement contained in subsection c) of the mitigation measure to "mimic the tree canopy and density of the removed trees."

Other comments have suggested that it may not be possible to grow oak woodland habitat on the Project site after site grading has been conducted, rendering this measure infeasible. The mitigation measure requires that the applicant dedicate an on-site conservation easement at a ratio of 1-acre of open space for every 1-acre of oak woodland removed. This easement would preclude the applicant from conducting grading operations within the area proposed for oak woodlands planting, except for minor grading at the edge of the easement area to conform to final project grading, and minor grading determined by a certified arborist to be

necessary or useful to improve initial oak woodland habitat planting viability, and would restrict its use for oak woodlands creation only.

The Mitigated Alternative demonstrates an example of how this Oak Woodland habitat re-creation could be met on-site, and also shows that this measure would result in a substantial re-design of the proposed Project in order to provide suitable land area to accommodate the required plantings. Since this land area would not be part of the development area, but would be located within areas that are currently considered as either the fringes of existing oak woodlands or annual grasslands, there is no reason to presume that the planting program could not be successful. However, recognizing that the survival of newly planted oak trees may not be 100% successful, the mitigation measure requires that the area to be planted provide for three new trees for each tree removed. Therefore, even if only one-third of the trees that are planted actually survives, the result would be no net loss in total trees from the site. Additionally, provision d) of this measure requires that a homeowners association be established to manage and provide for maintenance of this new habitat area.

Mitigation Measure 4-2B is amended to provide greater surety that the measure will result in the creation of a sustainable and suitable habitat that provides long term compensation for the loss of oak woodlands. This amendment includes a requirement for the development of a detailed maintenance and monitoring program that requires a comprehensive evaluation of the success of the replanting effort. The following language is added to Mitigation Measure 4-2.B:

4-2.B: Oak Woodland Habitat Preservation and Creation. *To compensate for the loss of oak woodland habitat, the Project shall implement a plan to provide for both the permanent protection of comparable oak woodland habitat and the creation of new habitat. This plan shall be based upon the following performance guidelines:*

- a) The Project shall provide for the permanent preservation of off-site, undisturbed oak woodland habitat through the use of conservation easements or other similar mechanism. The area of habitat to be preserved shall be proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development.*
- b) The Project shall also provide for the onsite creation of replacement oak woodland habitat by planting new oak trees and supporting habitat. The area of land to be planted as new oak woodland shall be in a non-fragmented configuration, proportionally equivalent (1:1 ratio) to the area of oak woodland habitat lost through development., and shall be placed under a conservation easement as permanent open space. The conservation easement shall prohibit grading, except minor grading at the edge of the easement area to conform to final project grading, and any minor grading recommended as part of the habitat creation plan to improve initial planting viability.*
- c) In order to ensure that new oak trees planted under b) above survive to proportionally replace oak woodland habitat lost, the Project shall plant three new oak trees for every tree removed as a result of development (3:1 ratio). New oak*

trees shall be a combination of liners, 1-gallon, and 5-gallon specimens, and should be planted in such a manner as to mimic the tree canopy and density of the removed trees.

- d) ~~A homeowners association or other similar acceptable City approved mechanism shall be established to provide for the management and maintenance of all areas placed under conservation easements, including the new oak woodland to be planted, the off-site oak woodlands preservation area, and for the maintenance and management of habitat areas and other Project open space areas where existing trees and steep slopes are to be preserved. placed within conservation easements.~~*
- e) The habitat creation plan shall be prepared by a certified arborist and include a detailed planting plan for the onsite oak woodland replacement habitat. The planting plan shall describe the species composition and density of the oak woodland habitat to be removed, detail the areas of proposed planting on an appropriate base map, and list the number and species to be planted in both the canopy and understory zones. The plan should also address the planting substrate and provide any recommendations necessary to make the designated areas suitable for planting. The plan shall be submitted to and approved by the City of Napa prior to approval of the Tentative Map.*
- f) The habitat creation plan shall also include a maintenance and monitoring plan that describes specific maintenance and monitoring procedures for both existing retained oak woodlands and new plantings. This plan shall provide performance standards and a contingency plan should the plantings not meet the performance standards. The recommended period for monitoring is ten years following implementation. Annual monitoring reports should be provided to the City of Napa for review. The plan must identify how the maintenance and monitoring will be funded during the monitoring period and beyond the monitoring period, if necessary.*

Specific Responses to Comments Received

The following pages of this document provide specific responses to each of the comments received on the Napa Oaks Draft EIR, either in writing or verbally at the City Planning Commission hearing on the Draft EIR held on September 30, 1999.

A. Correspondence from Federal Agencies

None received

B. Correspondence from State and Regional Agencies

B1. Letter from Tom Gandesbery, Environmental Specialist III, Regional Water Quality Control Board, dated October 8, 1999

B1.1 The Project would disturb more than 5 acres of land during construction and is therefore covered under the State NPDES General Permit for Stormwater discharges, which can be accomplished by filing a Notice of Intent.

Response: Comment noted. Per standard City procedures, a Notice of Intent would be filed with the RWQCB prior to any grading or construction activity.

B1.2. The Project sponsor must propose and implement control measures consistent with the General Permit and the recommendations and policies of the local agency and RWQCB.

Response: Comment noted. This EIR addresses CEQA requirements pertaining to significant effects on the environment, including storm water runoff and water quality issues. Mitigation measures recommend for the Project include:

- a) the construction and maintenance of a second on-site detention basin located near Casswall Street sized to limit post-Project 100-year discharge to pre-Project conditions,
- b) incorporating pollutant source control measures such as vegetative lining of the detention basin and grass swales within the Project to provide bio-filtration of runoff, and
- c) a sediment collection area upstream of the detention basin to allow for the settling of heavy sediments.

These measures are generally consistent with the recommendations and policies of the RWQCB.

B1.3 The Project would fill 1.14 acres of seasonal wetlands; impacts to wetlands must be avoided to the maximum extent practicable and remaining impacts must be minimized and mitigated. Mitigation is preferably in-kind and on-site, with no net destruction.

Response: Comment noted. The Project proposes to fill approximately 1.14 acres of onsite wetlands. Mitigation Measure 4-4A requires the Project to provide for the re-creation of wetlands on site to compensate for those wetlands that would be lost as a result of development. Mitigation Measure 4-4B requires the applicants to prepare a Wetlands Mitigation Plan to be approved by the US Army

Corps of Engineers and the City prior to any grading on the Project site. All mitigation is to occur on site at a minimum 1:1 ratio. The EIR also identifies two Project alternatives (the RA Alternative and the Mitigated Alternative) that avoid impacts to the wetlands to the maximum extent practicable.

B1.4. General Comments are attached to help guide in preparation of further CEQA documentation.

Response: General Comments pertain to RWQCB regulations that the Project will be required to adhere to. These requirements are addressed in the Draft EIR as Mitigation Measures 4-5, 4-6, 4-7, 6-1A, 6-2B, and 6-2C.

B1.5. Board staff also encourages the Project sponsor to obtain a copy of “Start at the Source”.

Response: Comment noted.

B2. Letter from Terry Roberts, Senior Planner, Governor’s Office of Planning and Research, letter dated October 29, 1999.

This letter states that no state agencies had submitted comments during the review period, and the City had complied with CEQA requirements.

B3. Letter from Terry Roberts, Senior Planner, Governor’s Office of Planning and Research, letter dated October 29, 1999, enclosing an October 15, 1999 letter from Jean Finney, District Branch Chief, California Department of Transportation.

B3.1. Asks for clarification on signalized intersections. P. 7-4 states that First Street/29 and First/Freeway are the only currently signalized intersections; however, Tables 7.4 and 7.9 show a signal controlled intersection at 29 northbound ramps/Imola.

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Response: Tables 7.4 and 7.9 of the Draft EIR incorrectly indicate that the intersections of SR 29 northbound/ Imola and SR 29 northbound/ First are signal-controlled. SR 29 northbound ramps at Imola Avenue and SR 29 northbound off-ramp at First Street were not signalized intersections when the Draft EIR was prepared. Tables 7-4 and 7-9 have been revised to indicate this change (see Recirculated Portion of Draft EIR, Appendix 4).

B3.2. Asks why PM Peak hour volumes for intersection #13 are not shown in Figure 7.2.

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Response: The turning movement volumes for the p.m. peak hour were accidentally omitted from Figure 7-2. Figure 7-2 have been revised to include these turning movement volumes (see Recirculated Portion of Draft EIR, Appendix 4).

B3.3. States that any work done within a State right of way requires an encroachment permit.

Response: Comment noted.

C. Correspondence from Local Agencies and Organizations

C1. Letter from Jake Ruygt, California Native Plant Society, Napa Valley Chapter dated October 8, 1999.

C1.1. States that the location proposed for development functions as a valuable buffer between urban Napa and ag-industrial development which shields citizens and acts as an essential corridor for wildlife migration connecting forested ridgelines to the Napa Marsh wetlands. Notes this corridor has been lost in the Carneros region due to ag-industrial conversion.

Response: Comment noted. The City of Napa General Plan and the Napa County General Plan both include policies to contain urban development within the city's Rural Urban Limit line. The Project site is located within the Rural Urban Limit. The General Plan also contains policies to protect environmentally sensitive biological communities such as oak woodland habitat. The EIR addresses oak woodland habitat loss through extensive Mitigation Measures and EIR alternatives.

C1.2 States the Project does not appear to be environmentally sensitive in that 56% of trees will be removed and all wetlands destroyed. Project mitigation which include planting a visual barrier with non-native trees will never replace the biological value of the 100-300 year old oaks. Also, creations of artificial wetlands generally do not function the same way that natural wetlands do.

Response: The Draft EIR (page 4-15) recognizes that, *"although approximately 467 individual oak trees would be planted as part of the tree preservation plan, most of these trees would be incorporated into the development landscaping or streetscape, and would not be part of an intact oak woodland community. Further, the mitigation achieved through tree planting takes place only in the long term, as the growth of trees and development of the understory necessary to sustain wildlife will take more than 15 years."* Therefore, the Draft EIR includes Mitigation Measure 4-2.B: Oak Woodland Habitat Preservation and Creation. This measure requires the Project to compensate for the loss of oak woodland habitat by implementing a plan to provide for both the permanent protection of comparable oak woodland habitat at a 1:1 acreage ratio, and the creation of new, permanently protected habitat also at a 1:1 acreage ratio. This Mitigation Measure is expected to require substantial Project redesign. An example regarding how this measure could be implemented is shown in the Mitigated Alternative, Figure 14.3, p. 14-19 of the Draft EIR. See General Response to Comments About the Feasibility of Oak Woodlands Mitigation Measures.

Additionally, the Draft EIR (Mitigation Measure 11-3 D) requires the applicant to plant a visual barrier with native species: *"develop a landscaping plan along the western and southern exterior of the Project site that provides a more natural edge treatment rather than the proposed linear edge treatment. The landscaping plan for these edges of the site shall emphasize native oak trees to conceal new homes while blending in with the natural vegetation and open space characteristics of agricultural lands to the west and south, particularly for viewsheds along Old Sonoma Road from Congress Valley."*

The mitigation measure required of the Project is to create real wetlands that achieve performance standards, with criteria for determining the success of the Wetland Mitigation Plan. Criteria include plant cover values and the provision that the mitigation wetlands be dominated by native species. Noxious weed species shall not compromise more than 10 percent relative cover of the

mitigation wetland. The Wetland Mitigation Plan shall include monitoring for 5 years to ensure its success.

- C1.3. Recommends scaling down the level of development to maintain biological values by removing less than 1 in 4 trees, designing around existing wetlands and using native species for replanting. Specifically recommends deleting lots in heavily wooded areas such as lots 3, 9, 44, 45, and 46.**

Response: Rather than reducing the removal of trees at the recommended level of 1 out of 4 trees, the Draft EIR recommends (as Mitigation Measure 4-2B) the preservation of off-site woodland acreage at a 1:1 ratio, and creation of additional new woodlands habitat at a 1:1 acreage ratio. The woodlands habitat creation requirement would result in substantial Project re-design in order to reduce habitat acreage lost as a result of development to levels that could be replaced with new woodlands plantings. The Mitigated Alternative demonstrates how this measure could be implemented, resulting in removal of approximately 15 acres of oak woodlands (rather than the 25 acres as proposed by the Project), and the creation of an additional 15 acres of oak woodlands on site. For purposes of comparison, the Project site contains approximately 43.4 acres of oak woodland habitat. The Project proposes removal of approximately 25 acres (58%), whereas the Mitigated Alternative would reduce the loss of oak woodlands to approximately 15 acres (35%). The Mitigated Alternative focuses the preservation of oak woodlands in areas with dense tree cover, particularly in the vicinity of lots 3 and 14, 67 through 75, and 41 through 43. There is currently little oak tree cover at lots 44 through 46.

- C1.4 Believes the mitigated alternative on pp. 14-19 would be much more suitable for this site.**

Response: Comment noted.

- C2. Letter from Sherrie Stone, Community Resources Department, City of Napa, dated October 1, 1999.**

- C2.1. Re MM 10.9: Recommends that language not include the term “trail” as this could be conceived to mean an off road bike lane. Instead, language should consistently refer to a Class II bike lane, which would be consistent with city plans and the Bay Trail plan.**

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Response: The text within Mitigation Measure 10.9 is revised to change all references to the trail on Old Sonoma Road to a Class II bike lane.

- C2.2. Recommends replacement of Figure 10.5 with the City of Napa Trails Plan in the City’s General Plan.**

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Response: Figure 10.5 of the Draft EIR is a reproduction of relevant portions of the City General Plan Trails Plan, but is amended as a copy of the actual Figure 3-6 of *Envision 2020* as shown in Chapter 2.

- C3. October 29, 1999 letter from Bright Eastman, Cultural Heritage Commission Chair on behalf of the Commission.**

- C3.1 Recommends specified additions to Mitigation Measure 13-1.**
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Response: Comment noted. Mitigation Measure 13-1 shall be amended to add the recommended additional language, as shown below. However, this addition has been modified slightly from the specific language suggested to clarify that construction activities should be halted only if *significant* cultural material is discovered, as opposed to any ordinary bottles, buttons, nails or bricks which may be uncovered. This additional language does not result in a new mitigation measure, but clarifies or amplifies the mitigation measure as recommended in the Draft EIR.

Mitigation Measure 13-1: Cultural Resource Discovery Procedures. *If any cultural artifacts are encountered during grading or construction, all work in the vicinity shall immediately be discontinued until a qualified archaeologist is obtained by the City of Napa to evaluate the findings.*

- a) Consistent with the City of Napa Policy Resolution No. 27, the archaeologist shall determine if the finding is an important archaeological resource. If so, the archaeologist shall provide mitigation measures to be implemented by the developer, who must comply with all mitigation recommendations of the archaeologist prior to commencing work in the vicinity of the archaeological finds. All other procedures shall comply with Appendix K of the California Environmental Quality Act Guidelines.*
- b) In the event of any discovery of human remains during grading or construction, all work shall be halted in the vicinity and the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required, and determine if the remains are of Native American origin. If such remains are of Native American origin, the nearest tribal relatives as determined by the state Native American Heritage Commission shall be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.*
- c) During construction it will be necessary to watch for the appearance of cultural materials that may be discovered during earth moving activities. These materials may include, but are not limited to, bone, obsidian flakes, shell, darkened soil, charred material or carved stone. Other types of cultural material may consist of bottles, colored glass, buttons, metal fragments, nails, brick or other building debris, ceramic shards or features such as privy pits hearths or building foundations. Should archaeological remains or significant cultural material be found, construction should stop immediately and a qualified archaeologist called out to examine the finds and evaluate their potential importance.*

C3.2 While agreeing that demolition of the garage, sheds and dwellings would result in no significant historic impact, notes that the *dwellings* are in good condition, can serve as affordable housing stock and should be relocated and rehabilitated, rather than demolished.

Response: Comment noted. Only one existing house is proposed for demolition, at 3027 Old Sonoma Rd. There are no significant environment impacts involved in the demolition of this structure, thus mitigation measures are not applicable; however, the Planning Commission may consider the suggestion to relocate this existing house.

- C3.3. States that the barn may have local architectural significance and appears to have excellent historic integrity and may be the only one of its type in the Napa Valley, thus, loss of the barn would be a *significant* impact.**

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Response: In response to this comment, the City of Napa retained Mr. Donald Napoli, Ph.D., of Historic Preservation Planning to conduct a detailed analysis of the barn structure. This analysis was conducted according to the State of California Resources Agency criteria to determine the eligibility of this structure for listing in the National or California Registers of Historic Structures, using Primary Record and Building, Structure and Object Record forms 523A and B (see Appendix A). These forms provide a detailed description of the structure, including a current photograph, and document the research and conclusions of Mr. Napoli's analysis. He states that, "This stable lacks historical and architectural significance. It appears to have been put up around 1955 as a replacement for an earlier structure at its location . . . Barns of this type are familiar in the Napa area, and many examples from the nineteenth and early twentieth century remain.... It is possible that the building was extensively remodeled in the 1950's and is actually much older. It so, it probably dates to the tenure of Charles Buck, who owned the property from around 1910 to the late 1930's. Even if that were true, the present appearance reflects a later occupancy, that of Arthur and Dorothy Chipman, who acquired the property in the early 1950's. The stable thus has only weak links to the Napa Valley's agricultural past and illustrates no important innovation in barn design. For these reasons the stable appears ineligible for listing in the National or California Registers."

According to CEQA Guidelines (October 1998) the demolition of this barn would be considered a significant effect if the barn were:

- a) A resource listed in, or determined to be eligible by the State historical Resource Commission, for listing in the California Register of Historic Resources,
- b) A resource included in a local register of historical resources or identified as significant in an historical resource survey, or
- c) Determined by the City to be historically significant, provided that the determination by the City is supported by substantial evidence. Generally, a resource shall be considered significant by the City if it meets the criteria for listing in the California Register of historic Resources.

The analysis conducted by Mr. Napoli concludes that the barn does not meet the eligibility criteria for listing in the California Register, and the structure has not been listed in a local register or identified in an historical resource survey. Therefore, the conclusion presented in the Draft EIR that the demolition of this barn would not be a significant environmental effect is considered to be accurate. These conclusions are added to the EIR as shown in Chapter 2. Mr. Napoli's review is also included as Appendix 3 to this document.

- C3.4. States the barn should be evaluated for its local architectural importance for the purposes of CEQA, as specified.**

Response: See Response to Comment C3.3 above. This evaluation has been conducted and has concluded that the barn does not meet the eligibility requirements of CEQA to be considered a significant resource.

- C3.5. Further recommends the barn be placed on the City Historic Resources Inventory and that it be nominated to the California Register of Historical Resources upon completion of the historic architectural study and evaluation.**

Response: If the City were to determine that it would be appropriate to place the barn on the City's Historic Resources Inventory, such a determination should be supported by substantial evidence. Generally, substantial evidence is based on meeting the criteria for listing in the California Register of Historic Resources. Based on the evaluation conducted by Mr. Napoli, the stable appears ineligible for listing in the National or California Registers.

C4. Memo from Joe Perry, City of Napa Fire Chief dated October 12, 1999.

C4.1. p. 10-3, para 1. States Napa's medical response services are not provided by Police.

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Response: Comment noted. The fourth sentence under the Fire Protection Setting section shall be deleted. Please note that the second sentence of this paragraph correctly identifies "*NFD's primary responsibilities include 24-hour emergency medical response . . .*"

C4.2. p. 10-3, para 2. Line 7 should read "on a 24 hour basis, with a total on-duty force of up to 15 people."

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Response: Comment noted; this sentence shall be revised as follows: "*Each of the three fire stations is staffed on a 24-hour basis, with a total duty force of up to 15 people.*"

C4.3 p. 10-3, para 2. The response time should read 5 minutes.

Response: The first paragraph of the Setting section recognizes that the NFD uses a 5-minute response time as a service standard for both fire and medical emergencies. According to the City General Plan, the NFD "strives" for a 3-minute response time within a 1.5-mile radius from each fire station.

C4.4. p. 10-5, para 4. Line 1 should read "basic fire protection regulations."

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Response: Comment noted; this text shall be revised as follows: "*. . . the City has adopted basic firefighting fire protection regulations as contained in the Uniform Fire Code (UFC).*"

C4.5 p 10-9. Impact 10.4: Disagrees with statement that the General Plan states that development in the RUL is not expected to increase the need for new FD staffing beyond staffing at the existing 3 stations, noting the City's fire and paramedic fee is to equip Fire Station 4; and an additional station in Browns Valley is the only way to provide a 5 minute response time.

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Response: Comment note. The Draft EIR incorrectly characterized the Napa Fire Department's staffing needs, and Impact 10.4 shall be amended as follows:

Impact 10.4: Increase in Demand for Fire Services. According to the General Plan and associated EIR, new development within the RUL (including the Project) will increase the number of calls for service and the need for fire personnel. is not expected to increase the need for new NFD staffing beyond the staffing at the three existing fire stations. This increased demand for fire services would not adversely affect fire protection and emergency medical services due to General Plan policies and implementation programs that call for the maintenance of adequate personnel and equipment necessary to provide fire suppression services for the City. The City's Fire and Paramedic Fee is anticipated to be used to equip new Fire Station #4, and this fee is to be updated as necessary to maintain adequate funding for fire and emergency medical services. As required under Condition of Approval 10.3A, the

Project will be required to pay applicable Fire and Paramedic Fees, thereby offsetting its contribution to this potential impact. Therefore, the Project is not expected to increase the demand for new fire service personnel, and does not create an environmental impact.

Payment of Fire and Paramedic Fees was identified as a condition of approval for the Project in the Draft EIR, and this revision does not change the mitigation requirement for the Project.

C4.6. States the proposed Project should generate 6-7 calls for service per year and that Station 4 will respond if Station 1 is unavailable.

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Response: Comment noted; the first full paragraph on page 10-9 shall be revised as follows: *“The City’s first priority for constructing new fire station facilities is to fund the new Fire Station 4 station on Gasser Drive. This new station would not provide primary response to the Project site, but would reduce the service load at Fire Station 1 and would provide backup response if Station 1 were unavailable. The Project site would ~~continue to be served~~ receive primary response from Station 1 at Seminary / First Street. “*

C5. Errata Memo from City of Napa Planning Department dated October 29, 1999.

C5.1-5.10 Provides list of errata to be corrected in the Final EIR.

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Response: This list of errata changes to the Draft EIR is included in Chapter 2 of this Draft Final EIR.

C6. Letter from Will Selleck, Planner III, Napa County Conservation, Development and Planning Department dated October 29, 1999.

C6.1 p. 1-18. Project description should be modified; the water tank is not exempt from county zoning regulations.

Response: Based upon the opinion of the Napa City Attorney (inter-office memoranda dated 2/11/98 and 2/13/98), cities and counties are mutually exempt from each others zoning regulations relative to property that one such entity may own within the territory of the other. Given that the water tank site would be conveyed to the City under a non-exclusive easement (giving a right of exclusive occupancy similar to a fee interest), the land would be owned as an easement by the City and not subject to County zoning requirements.

C6.2 p. 2-18. As water tank is not exempt from county zoning regulations, the Final EIR must include analysis of County General Plan consistency requirements, as well as to note that the water tank may not be approvable under County zoning regulations and the filing of an erosion control plan is necessary.

Response: See response to Comment C6.1 above.

C6.3 p 2-32. The EIR should include an expanded discussion of the serious agricultural/residential land use conflict created by wind machine noise.

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Response: The potential land use conflict created by wind machine noise is fully discussed in Chapter 9 - Noise of the Draft EIR (Impact 9-3: Truchard Vineyard Wind Machine Noise). The conclusions of

this analysis indicate that wind machine noise would be expected to acoustically affect future homes as proposed by the Project for up to 30 nights per year. At those proposed home sites nearest to the agricultural operations (Lots #33 through #36 along the Project's southern boundary), the Projected noise levels would be approximately 79 dB, and would be within the "clearly unacceptable" range of land use compatibility should this noise level occur year-round. At other locations in the southeast 1/3 of the site, this Projected noise level would fall within the "conditionally acceptable" to "normally unacceptable" range of land use compatibility.

Mitigation Measure 9-3A would require the construction of all homes within the Project site to achieve an interior noise standard of 45 dB and a maximum instantaneous noise level within bedrooms of 40 dB (this requirement exceeds both City and County standard noise criteria). In order to achieve these standards, sound rated windows and other sound rated assemblies are recommended for all homes located in the southeast 1/3 of the Project site. For those homes nearest to the adjacent agricultural operations (Lots #33 through #36), this standard may not be able to be achieved through sound rated windows and other sound rated assemblies, or such measures may prove to be economically infeasible. If the standards cannot be met on Lots #33 through #36, then Mitigation Measure 9-3A is revised to recommend that homes shall not be constructed in this area.

- C6.4. p. 2-34. Mitigation Measure 2-5A: Redesigning the Project to "feather" densities would help reduce conflicts; however, average densities of 1 unit to 1.5 to 2 acres would be more in keeping with the adjacent County lots.**

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Response: The intent of Mitigation Measure 2-5A is to provide a greater "feathering" of densities from the western edge of the RUL than is currently provided by the proposed Project. The Mitigated Project Alternative (Figure 14.3 of the Draft EIR) provides an example of how this feathering could be accomplished, resulting in lots of greater than 1.5 acre in size. A portion of the narrative text included in Mitigation Measure 2-5A would not actually accomplish the objective of achieving larger lot sizes as recommended in this comment, consistent with the intent of the MM and the County's recommendation, and shall be deleted as shown below.

***Mitigation Measure 2-5A: Feathering of Density.** The Project proposes a progression of smaller to larger lots from the urban core to the RUL edge. However, a number of lots within the southwestern portion of the site should be further increased in size to transition with the 1- to 2-acre lots to the west of the Project area, in unincorporated areas of Napa County. The Project should redesign the layout of residential lots on the western RUL edge to maximize a "feathering" effect (from low density to higher densities) from the RUL edge to the interior and eastern portions of the proposed residential development. ~~This could be accomplished if the Project met the minimum lot size of the ED-1 zoning district (1-acre lots), particularly on the western RUL edge. An example of such an alternative is depicted in the Alternatives Chapter, Figure 14.2. The Project could accomplish this by reducing the number of lots on the southwestern RUL edge, as depicted in Figures 14.1 and 14.3. See Chapter 14: Alternatives, for discussions of the "Mitigated Project Alternative" and the "Resource Area" Alternative.~~*

- C6.5. p. 2-35. Mitigation Measure 2-5B. Specific, effective measures need to be identified to prevent trespass onto adjoining agricultural lands. One such measure that should be included is installation of a 6+ foot high, non-climbable fence without openings on the outer edge of a 5 foot wide, non access easement dedicated to the County, as well as ongoing maintenance provisions. This should be the responsibility of the homeowner's association or the City, not individual owners of lots.**

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Response: Mitigation Measure 2-5B provides that the design of the proposed Agricultural Buffer undergo final architectural review prior to final map approval, and that this review include conditions on fencing, landscaping and other improvements that would minimize the potential for trespass on adjacent vineyards. A fence as a physical barrier is proposed as part of the Project. Specific design features such as the height of the fence, its design and materials, and the potential for gates would be addressed at that time, but should include restrictions on openings. Mitigation Measure 2-5 B is amended to include the restriction on openings, as shown below:

***Mitigation Measure 2-5B: Final Design of Agricultural Buffer Fence.** The proposed Agricultural Buffer shall undergo separate final architectural review prior to Final Map approval, and ~~may~~ shall be conditioned to require that fencing, landscaping and other proposed improvements along the RUL edge be designed to further minimize the potential for trespassing on adjacent vineyards. The design of the fence shall have no openings unless required by City departments for access, and of a height and design to strongly discourage climbing, while also providing an attractive design.*

However, it is unclear what a County easement could accomplish by way of preventing trespass. Any trespass, either onto adjacent vineyards or onto a County easement, would be considered trespass, and prevention of such trespass is enforceable under current laws.

C6.6 p. 2-35. Mitigation Measure 2-5C. The Right-to-Farm deed notice should be strengthened as a deed restriction, enforceable by the County, prohibiting new residents from filing suits or complaints regarding agricultural operations carried out in compliance with applicable laws.

Response: Neither the authors of this EIR nor City staff know of any ordinance that can prohibit residents from filing complaints or suits, and seriously question whether such an ordinance could be legally enforced. The City of Napa's "Right-to-Farm" ordinance (Section 17.60.090 of the Napa Municipal Code) protects agricultural operations that are in compliance with applicable laws from such complaints and/or suits, and prohibits additional regulations or controls in response to such complaints. However, the ordinance can not and does not prevent neighbors from making such complaints.

Recognizing that potential conflicts with individual neighbors may arise, and that responding to numerous individual complaints could adversely affect agricultural operators, the Draft EIR further recommends Condition of Approval 2-5E: Dispute Resolution and Agricultural Liaison Officer. This officer, designated by the homeowners association (see General Response to Comments on the Need for On-Going Maintenance) would act as single point of contact for the new property owners, the County and agricultural operators in the potential event of agricultural/residential conflicts. This officer would also provide community education regarding the rights of agricultural operators under the "Right-to-Farm" ordinance

C6.7 p. 2-35. The FEIR should state that the potential wind machine noise land use conflict cannot be reduced to less than significant unless Mitigation Measure 9-3A-C, including recommended modifications [as described in Comment C6.11], are included as part of any approved Project.

Response: See Response to Comment C6.3 above. The EIR authors agree that Mitigation Measure 9-3A must be incorporated as part of any approved project to adequately mitigate wind machine impacts. However, the modifications to Mitigation Measure 9-3A proposed in Comment C6.11 are not considered appropriate as described in the response to that comment. Mitigation Measure 9.3A requires homes that would be affected by wind machine noise (those homes within the western one-third of the Project site) be designed and constructed in such a manner as to achieve specified standards. These standards are 45 dB for general indoor areas, and a maximum instantaneous noise level of 40 dB within bedrooms. By establishing these performance standards, the mitigation

measure sets forth criteria that must be met in order to mitigate impacts to a less than significant level. If these criteria are not met, the mitigation measure recommends that homes not be built within these areas, because the noise impact would not be reduced to a less than significant level.

C6.8 p. 3-19. The FEIR must address the effect of a major earthquake on the proposed water tank, including the mains and pumps. Measures must also be specified to assure unimpeded access to this tank. If failure is a possibility, the area inundated needs to be delineated along with impacts on any structures and inhabitants and measures to reduce risks to an acceptable level.

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Response: Under City of Napa requirements, the water tank and related facilities shall be designed in conformance with AWWA standards and the seismic provisions of the Uniform Building Code. They would be part of an interconnected system, and thus benefit from system redundancy. The access road would be designed in conformance with landslide repair Mitigation Measure 3.3C. All runoff from the water tank area, including any water accidentally released from a potentially damaged tank, would be carried down to the storm drain system as required pursuant to Mitigation Measures 3.4C and Measure 3.8A. The pipelines connected to the tank would incorporate valves to enable the system operators to isolate and bypass any portions of the pipeline that might be damaged by an earthquake or other causes. Although very remote in possibility, should the water tank break as a result of an earthquake, it would inundate certain downhill areas.

Mitigation Measure 3.2B is added to assure the most seismically restrictive water tank design.

Mitigation Measure 3.2B: Water Tank Design Criteria. The water tank site is located within seismic zone 4 and therefore the most restrictive design criteria in regards to seismic forces shall be used in the design of the tank. The design and construction of the welded steel water tank shall conform to the following criteria:

- Design shall be per the most recent standards of the Uniform Building Code (UBC) and the American Water Works Association (AWWA) D100.
- The design shall be prepared by a registered professional engineer with experience designing similar structures within seismic zone 4.
- A ground supported flat bottom tank with positive anchorage between the tank and the ringwall foundation shall be used in order to reduce the effects of seismic shaking.
- Flexible joints shall be installed on all tank inlet, outlet, and overflow piping.
- The drainage system at the tank site shall be designed to accommodate potential leakage from the tank or pipeline and shall be directed to the storm drainage system on Old Sonoma Road.

Also add text to “**Resulting Level of Significance.** Adherence to UBC seismic provisions and water tank design criteria would reduce...”

C6.9 p. 3-25. The FEIR should address whether or not the cut slopes over Lots 19-26 could pose a hazard to existing adjoining County homes.

Response: The subsurface exploration carried out to analyze the proposed cuts above Lots 19 through 26 revealed the presence of a number of different rock types with varying physical characteristics. These rocks are locally weak, well fractured and sheared. These conditions indicate that the proposed cut slopes could be unstable if adverse bedding of marginal rock conditions are encountered over significant areas of the cut. The cut slopes below Lots 19 through 26 may initially be designed at the inclinations recommended in Mitigation Measure 3.7A and 3.7B. However, prior to final design of the lot grading, the Project geologist and geotechnical engineer shall further explore and evaluate subsurface conditions in the vicinity of Lots 20 through 23 and confirm or modify the cut slope design. This measure requires that all cut slopes be designed at a maximum ratio of 2:1 horizontal to vertical; rock exposures observed in existing on-site cuts and in

roadway cuts at Old Sonoma Road indicate that rock types in this area are stable at this slope design.

The cut slopes below other lots may initially be designed at the recommended inclinations with mid-slope benches. However, as outlined in Mitigation Measure 3.7B, the Project engineering geologist must inspect and continuously evaluate the exposed rock conditions as the excavations are made. If adverse rock conditions are exposed, the Project geotechnical engineer must modify the cut slope design to provide for adequate stability. This may require revised slope design and/or lot pad grades, buttress construction and /or other adjustments. These measures can reduce potential cut slope instability impacts to a less than significant level, and would ensure that adjacent County properties would not be affected by possible slope failure.

Additionally, several other mitigation measures and conditions of approval recommended in the Draft EIR (Condition of Approval 2-3, Condition of Approval 2-5A, Mitigation Measure 11.3A) would result in changes to the Project design that would eliminate the need for this substantial cut slope. The Mitigated Alternative demonstrates how these measures could be applied such that cut slopes over lots 19 through 25 would not be required.

- C6.10. p. 3-25. The FEIR should identify measures needed to minimize any ongoing maintenance necessary to maintain slope stability. The entity responsible for maintenance responsibilities should be specified, and should not be individual lot owners.**

Response: See General Response to Comments on the Need for On-going Maintenance. The primary measures necessary to maintain slope stability following site grading and landslide remediation will be appropriate routing of drainage.

- C6.11. p. 3-25. Mitigation Measure 9-3C: This mitigation measure should be modified to recommend deed notification where indoor noise levels are expected to exceed 27 dBA and to note that noise levels from this source may be high enough to disturb one's sleep.**

Response: The City of Napa's indoor noise standard is Ldn 45 dB. Mitigation measure 9-3A recommends sound rated windows and other assemblies to achieve this standard, as well as another recommended indoor noise goal of 40 dB maximum within bedrooms.

The suggested standard of 27 dB is not substantiated. Sleep disturbance studies conducted by the US EPA² indicate that a maximum sound level of 40 dB disturbed sleep in some persons (approximately 5% to 10% of all test subjects). Also, many studies conducted between 1950 and 1973 recommend maximum noise levels of 35 to 45 dB for bedrooms.³ Because of the potential for noise levels of 40 dB to disturb sleep (even though recognized standards would be met), Mitigation Measure 9-3C recommends that all homes within the Project be subject to a deed notification recognizing that noise from wind machines will be audible for 30 nights per year.

- C6.12 p. 10-8. The FEIR should evaluate the impact of wildfires on the proposed water tank and related facilities.**

Response: The proposed water tank site is located in a high fire hazard area; however, operation of the tank would not pose any additional risk of fire hazards in the area. In fact, the tank would provide an additional source of water that could be used for fire suppression, and the proposed road improvement would facilitate easier access to the area in the event of a potential fire. Also, the water tank would be designed as part of an interconnected system with built-in redundancies, so

² EPA Document 550/9-73-002.

³ EPA Document 550/9-74-004, Appendix D.

that even if a fire disabled the water supply from the tank, water sources would still be available to fight a fire from existing water mains.

- C6.13. p. 11-10. The FEIR should indicate whether or not the large cut on Lots 19-26 will be visible from off-site; if so from where, with a visual simulation provided from the most seriously impacted location. If visible from off-site, its creation will be a significant long term impact, as re-vegetation/screening is unlikely to be possible.**

Response: As noted in Response to Comment C6.9, the proposed cut slopes over lots 19 through 25 would affect the interior slope of the hillside. This interior slope is not visible from off-site locations. Additionally, numerous mitigation measures and conditions of approval included in the Draft EIR recommend that the need for this cut slope be reduced or eliminated by eliminating the proposed fill slope along the southern edge of the property. Without the need for fill material on lots 33 through 39, the cut slopes over lots 19 through 25 can be substantially reduced or eliminated.

- C6.14. p. 11-10 to 29. Believe the visual simulations in the DEIR labeled “Proposed Development in 5-7 years with landscaping” grossly understate the long term visual impact, as none of the proposed trees would be more than 15 feet tall in 7 years. The FEIR should be modified to provide a more realistic amount of screening and a modified text.**

Response: The visual screening ability of vegetation within the Project area will result from several types of landscaping elements, each of which will contribute to the overall screening of the site. The Project proposes to plant landscape trees to establish a streetscape theme along the internal roadways using a mix of red maple, California Buckeye, Madrone, Raywood ash, London Plane Trees and coast live oak and valley oak. The maples, ash and plane trees are fast-growing trees that would provide fairly dense vegetative canopy at heights of up to 15 feet within 5 to 7 years. Within the Agricultural Buffer, the applicants propose to plant this area with a mix of coast live oak, Eldarica pine, California sycamore, Lombardy poplar and coffeeberry. The Project applicant specifically selected this mix of trees to provide for a variation in growth and maturity, and density of vegetation. For example, the poplars would likely start at approximately 7 feet in height (a 15-gallon specimen) and grow at a rate of up to 3 feet per year, reaching a height of nearly 20 to 25 feet in 5 to 7 years.⁴ The pines are also fairly fast growing species (1 to 2 feet per year) and also provide vegetative cover year round. These would be the trees that would provide the initial screening effects. The sycamores and oaks are slower growing trees, but longer lasting and denser in vegetation. These longer growing species would mature as the initial vegetative screening of the poplars decline.

An additional visual screen would be provided by the creation of new oak woodlands habitat pursuant to Mitigation Measure 4-2B. The new oak woodlands would include native oaks as well as understory shrubs and groundcover indicative of this habitat type. It is expected that it may take up to 15 years for these species to mature and provide full screening effects.

The growth rate for each of these trees will vary by species and will also be dependent on the amount of irrigation, nutrients and maintenance that they receive. Generally the oak trees will take substantially longer to mature (approximately 10 to 15 years) than the faster growing street trees and Agricultural Buffer plantings of poplars, maples and ash trees. If the landscaping program relied solely on the planting of oak trees to provide visual screens of the new development, the EIR authors would agree that the visual simulations would exaggerate the amount of screening that could be achieved in five to seven years. However, given the mix of species proposed within each of the various landscaping elements, as well as the provision of a homeowners association to provide for maintenance and upkeep of these landscaped areas, the EIR authors maintain that it is

⁴ HortScience, Inc., personal communication, December 1999.

reasonable to conclude that the landscaping proposed as part of the Project (and as amended through mitigation measures recommended for the Project in the EIR) could provide the amount of screening shown in the simulated views.

- C6.15. p. 11-25. The Project tank site view with landscaping should be modified to provide a more realistic amount of screening and the text modified appropriately, as the oak trees are unlikely to be more than 10 feet tall in 7 years.**

Response: The Project Description does not specifically indicate the types of trees that would be used for landscape screening of the water tank. If these were pines or poplars (as proposed for the Agricultural Buffer) the amount of screening shown in the simulated view might be achieved in 5-7 years. However, as recommended in Response to Comment C6.16 below, the landscaping around the water tank should provide an emphasis on native oaks in order that the landscaping blend in with the surrounding vegetation. Since native oaks would take longer than 5 to 7 years to grow high enough to fully shield the water tanks, the landscaping plan should provide for a mix of vegetation species. See Response to Comment C6.16 below.

- C6.16 p. 11-25. Additional water tank visual Mitigation Measures should be identified, including requirements to plant screening vegetation; using a low profile tank; painting the tank a dark green; and relocating it off the ridge crest.**

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Response: Comment noted. The Project applicants have indicated their intention to provide landscaped screening for the water tank, as shown on their tentative map application dated March 21, 1997 (available for review at the City Planning Department), but a detailed landscape plan has not as yet been prepared. The tentative map application shows a site plan for the tank that includes proposed grading and planting of a total of 21 “landscaped screen” trees along the north, west and south sides of the tank to screen views of the tank from Congress Valley and other locations. A new mitigation measure is recommended for the Project, as follows:

Mitigation Measure 11-3E: Water Tank Screening. The Project applicant shall develop a detailed landscaping plan for the water tank site that provides for a natural edge treatment emphasizing native oaks to conceal the tank while blending in with the natural vegetation and open space characteristics of adjacent agricultural lands. Final design review of the water tank and water tank landscaping plan shall occur prior to Final Map approval. Requirements for the water tank design shall include:

- a) the water tank should be painted a dark green or other natural color to blend in with surrounding vegetation, and
- b) landscaping of the water tank site shall provide for screening of the tank structure from views from Congress Valley, with an emphasis on native oak planting but providing a mix of faster growing species as well.

This additional mitigation measure does not address the size and location of the water tank as this facility has been sized and located as necessary to provide adequate water storage volume and pressure to serve the proposed new development. The proposed tank size is approximately 304,000 gallons, and would be approximately 24 feet high. The location of the tank has been established according to elevation requirements for the bottom of the tank to be at a minimum elevation of 413 feet in order to deliver appropriate water pressure to serve the Project. As part of the City of Napa Water Master Plan, the City did explore alternative sites for a new water tank to serve future development. This study found that there are a very limited number of suitable sites available, and that the water tank site as proposed by the Project best meets the engineering criteria of the City water system.

C6.17. p. 11-25. Agree that proposed poplars would be out of character and visually intrusive, and support development of a more natural edge treatment in the agricultural buffer area.

Response: See Response to Comment 6.14 and 6.15 above. The EIR recommends a mix of plantings within the Agricultural Buffer, with an emphasis on native oaks.

C6.18. p. 11-25. Appendix B. The FEIR should include a copy of the County's original Project comments dated April 18, 1997 referred to in, and included as an attachment to the February 6, 1998 comments in the DEIR.

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Response: The City of Napa did not receive a copy of the County's April 1997 memorandum attached to its February 1998 comments on the NOP, which is why it was not included in Appendix B of the Draft EIR. However, the preliminary comments provided by the County in its April 1997 memorandum were used to define the scope of the environmental analysis conducted for this Project, including major issues pertaining to agricultural conflicts, views, geological hazards, and alternatives. Each of these issues was addressed in the Draft EIR, and the County's preliminary comments on the Project were not overlooked. The County memorandum of April 1997 is included as an Appendix to this Final EIR.

C7. October 28, 1999 letter from Robert Carlsen for Bill Pramuk Chair, Tree Advisory Commission, City of Napa

C7.1 p. 4-15 and p. 11-9. Oak woodland habitat consists of more than just oak trees. Mitigation Measure 4-2B and Mitigation Measure 11-B do not address the under story or other native trees and plants that make up the oak woodland habitat and how loss of this habitat will be mitigated. How will "new habitat" including an Oak woodland understory and companion plants be created?

Response: See General Response to Comments on the Feasibility of Oak Woodland Mitigation. The components of the tree canopy and the understory vegetation associated with the oak woodland habitat on the Project site are described in the Setting Section on p. 4-1. The oak woodland on the site consists mostly of coast live oak with a few valley oak, Madrone and California buckeye trees. The existing understory is predominantly non-native annual grassland vegetation with a few scattered shrubs. Mitigation Measure 4-2.B(c) recommends that three new oak trees be planted for every tree removed as a result of development and that these trees be planted in such a manner as to mimic the tree canopy and density of the removed trees. The EIR authors agree that the mitigation plantings should consider the other native tree and shrub species that comprise the oak woodland canopy and understory to be removed, and these species should be planted along with the oak trees. The mitigation measure has been augmented accordingly. The composition of the mitigation plantings should mimic the composition in the habitat areas to be removed. Mitigation Measure 4-2.B acknowledges that it will take several years for the onsite plantings to mature into oak woodland habitat similar to that lost and therefore it also recommends permanent preservation of off-site, undisturbed oak woodland habitat.

C7.2 p. 4-15. Proposed breaks in the continuity of the Oak woodland habitat degrade the overall value of that habitat.

Response: Comment noted. The discussion under potential Impact 4-2 acknowledges that the proposed preserved oak woodlands would be non-contiguous habitat and would not have the same habitat value as the lost woodlands.

C7.3 p. 4-15. MM 4-2B. Establishment of oak woodland habitat is tenuous; strict conditions and guidelines as well as ongoing funding for professional maintenance and monitoring are needed.

Response: The EIR authors agree that development of a maintenance and monitoring program should also be required to assist with, and evaluate the success of, the replanting effort. See General Response to Comments on Feasibility of Oak Woodlands Mitigation. Additional guidelines and conditions have been added to this mitigation measure to provide for on going maintenance and monitoring.

C7.4 p. 4-15 Mitigation Measure 4-2B and p. 11-9, Mitigation Measure 11-1B. Planting of Oak trees and related vegetation in soils disturbed by grading raises the question whether loss of Oak woodland habitat could realistically be mitigated in the long term.

Response: See General Response to Comments on the Feasibility of Oak Woodlands Mitigation Measure. The oak tree plantings required under this measure would occur within an area that would be preserved as a conservation easement, and no grading would take place in this area.

C7.5 p. 11-9. It appears that the overall subdivision layout did not take into account tree condition. For example, houses were not sited to take into account trees that would have to be removed due to poor condition.

Response: Comment noted. HortScience, Inc. prepared a tree survey in October of 1997. Conclusions of this report, which surveyed a total of 591 trees within the Project site, indicated that most of the trees were vigorous and healthy. Eighty-six percent (86%) of the trees were moderately to well suited for preservation, while 14% (or 80 trees) were identified as poorly suited for preservation due to poor health and/or structural conditions that are likely to lead to tree failure. The Project site plan is not specifically designed to locate homes in areas where poor tree conditions are present.

C7.6 p. 11-9 Mitigation Measure 11.1C For any conservation to be successful there must be a funding mechanism for ongoing professional monitoring and management.

Response: Comment noted. See General Responses to Comments on the Need for On-Going Maintenance and Comments on the Feasibility of Oak Woodland Habitat Mitigation Measures.

C7.7 Alternatives. The Commission unanimously recommends the Resource Area Alternative consistent with the City's General Plan designation, which would preserve the vast majority of Oak woodland habitat.

Response: Recommendation noted.

C7.8. Alternatives. The Commission recommends that undeveloped lands under the RA Alternative be placed in a conservation easement as a condition of development to protect these lands.

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Response: Comment noted. This recommendation is consistent with the objectives of the RA Alternative, and Figure 14.1 is amended to note that such easements would be applicable. As noted on page 14-7 of the Draft EIR, *"The Resource Area Alternative would meet the 1 unit per 20 acre General Plan density, but would cluster the building sites at lower elevations where water service is possible from the existing City system and provide conservation easements or deed restrictions to the City over the remainder of the site prohibiting further subdivision and retaining the land as open space/agriculture."*

D1. September 27, 1999 letter from Roger Altoona.

D1.1 States the number of units planned is excessive

Response: Comment noted. As indicated on page 2-9 of the Draft EIR, the current adopted General Plan land use designations and densities would allow for a total development of up to 10 units.

D1.2 The construction of the water tank could result in erosion on my property at 3003 Devita.

Response: The plan for the water tank indicates that it will be constructed in an excavated area. Drainage from this area will be directed away from the Devita Drive area, thus there appears to be no erosion potential towards this direction. Potential erosion and slope stability issues at the water tank site pertain primarily to the existing landslide deposit located near the base of the water tank access road. Condition of Approval 3.3C requires that the Project applicant prepare geotechnical investigations of the landslide area in the swale below the water tank access road, and to re-construct the landslide area and the road embankment. All landslide removal and buttress excavations are to be inspected by an engineering geologist during construction to confirm that the excavations have removed the landslide and that the engineered fills are found to be stable.

D1.3 Do not want a water tank to look at as his country view.

Response: The water tank site is surrounded by heavy vegetation on its southern and eastern sides, such that any views of the tank from residences within the Lilienthal area neighborhoods would be heavily screened by this existing vegetation. Although the EIR cannot assess the potential impacts that the water tank may have on each neighbors private view, views of the tank site from prominent public locations have been presented in the Draft EIR document.

D1.4 Construction and operation of the water tank could impinge upon peace and quiet of his property.

Response: General construction activity at the water tank site and on the main Project site would be expected to generate intermittent and temporary noise impacts. Because of its intermittent and temporary nature this impact is not considered to be significant. However, pursuant to City of Napa Policy Resolution 27 as incorporated by reference into this EIR, all Project construction activities would be regulated by the following requirements:

1. Construction activities shall be restricted to certain times pursuant to Napa Municipal Code, Section 8.08.025, which limits construction activity to 7:00 am to 7:00 p.m. Monday through Friday, and 8:00 am to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City manager for additional hours. The ordinance further states that there will be no start up of machines prior to 8:00 am Monday through Friday, no delivery of materials or equipment prior to 7:30 am nor past 5:00 p.m., no cleaning of machines or equipment past 6:00 p.m., and no servicing of equipment past 6:45 p.m.
2. Construction equipment must have state of the art muffler systems required by current law. Muffler system shall be properly maintained.
3. Noisy stationary construction equipment such as compressors, shall be placed away from developed areas off-site, and/or provided with acoustical shielding.
4. Grading and construction equipment shall be shut down when not in use.

Operation of the water tank facility would not generate significant noise levels in excess of 60 dB; the City's applicable standard.

D2. September 24, 1999 letter from Joan Pedrelli, 205 Casswall Street

D2.1. Believes hillside is not conducive to construction, due to land instability.

Response: See General Response to Comments on Landslides and Slope Instability.

D2.2. States site drainage problems will be made worse by proposed construction.

Response: See General Response to Comments on Storm Water Drainage.

D2.3. One road for such a large subdivision is a danger.

Response: The Project includes one primary road with an entrance on Old Sonoma Road opposite the existing intersection at Lilienthal Road. A second emergency vehicle access road is proposed as part of the Project, connecting to Old Sonoma Road further to the north (see discussion on page 10-10 of the Draft EIR). Additionally, a private driveway would serve four of the units proposed to be located off of Casswall Drive should this area not be used as a storm detention basin.

D2.4 The area will be more of a fire hazard should the subdivision be built.

Response: As noted on page 10-3 of the Draft EIR, the Project site is designated as being vulnerable to wildland fire risk. Fire hazard risks are high for residential areas that are on hillsides that have steep terrain, poor access for delivery of fire suppression services, inadequate water pressure and highly flammable vegetation. Mitigation measures required of the Project, including the payment of required fire and paramedic service fees, in combination with required sprinklers within each residence, defensible space requirements and construction requirements that meet NFD standards reduce this impact to a *less than significant level*.

D2.5. This Project will increase water consumption, yet we are told to conserve water.

Response: As noted on page 5-4 of the Draft EIR, the Project would result in an increased demand on water supplies in the amount of approximately 32 acre-feet per year. However, the City of Napa has received accelerated state entitlements through the North Bay Aqueduct system sufficient to meet the water demands Projected from new and existing development anticipated to occur through the year 2020 (including the Project), under both average and drought year conditions.

As with all development within the City, the Project would be required to comply with all City ordinances and codes requiring water conservation measures (Condition of Approval 5.1A). Additionally, the Project would be required to retro-fit four existing single family residences with low-flow shower heads and toilets as a means of reducing cumulative water demands per Condition of Approval 5.1B.

D2.6 Question that once was told a water tank could not be built on the site, yet it still appears on the plan.

Response: Neither the EIR authors nor City staff is aware of any correspondence indicating that a water tank could not be built. For clarity, the water tank is not proposed on the main Project site, but is proposed to be located on an approximate 36-acre parcel on the east side of Old Sonoma Road, immediately east of the main Project site.

D2.7. An increase in wastewater is a health hazard, as the sewer system cannot handle existing volumes.

Response: As indicated on page 5-11 of the Draft EIR, the Napa Sanitary District has completed the review and approval process for upgrading its treatment plant capacity, and construction of necessary treatment plant improvements is scheduled to be completed by January of 2001.

D2.8. The proposed intersection at Old Sonoma Road creates a hazard.

Response: See General Response to Comments on Old Sonoma Road Traffic Safety Hazards.

D2.9. Loss of the area as wildlife habitat is sad.

Response: Comment noted. Please refer to General Response to Comments on the Feasibility of the Oak Woodlands Habitat Mitigation Measure.

D2.10. The number of vehicles that will pass behind her house is a concern from noise, pollution and safety standpoints. She is also concerned about an out-of-control vehicle careening through her fence.

Response: There will be an increase in noise and localized air pollution in the immediate area due to increased traffic. However, these increases have been found to be less than significant (i.e. less than a 1dB increase in noise near Old Sonoma Road, and generation of approximately 239 pounds per day of total carbon monoxide compared to the BAAQMD's threshold of 550 pounds per day). Although the potential for an out-of-control vehicle to careen through the fence is remotely possible, the Project's main access road has been designed according to City street standards for width and grade.

D2.11 Rubbish and earth (including from City trucks) have been piled adjacent to her property [on the subject site] raising the adjacent property level 4 feet and posing a threat to her property. Should the subdivision be allowed, she wants to know who will be responsible for any damage to her property from earth movement.

Response: Based on conversations with the Project applicant, the applicant would be willing to re-grade this rubbish pile and remove it off-site if necessary as part of an overall grading plan for the Project, thereby removing any potential hazard.

D2.12. Consider unavoidable adverse impacts this plan will have and say no.

Response: Comment noted.

D3. September 23, 1999 letter from Harold and Loraine Halterman, 603 Casswall Street.

D3.1. Commentors are concerned that the proposed Project and the ED-1 alternative will increase storm water runoff to their property at 603 Casswall. The terrain between the back of their lot and the Project is very steep. Behind their lot is a storm drain sump that collects water [DEIR Figure 6.2, marked to show storm drain and sump, and attached to letter] and discharges into a pipeline that runs through their lot in a City easement. States this drain system was designed or the design approved by the City prior to building homes on the West Side of the 500-600 block of Casswall more than 40 years ago. During heavy rains the drain

system runs full. Any additional runoff would flood their back yard, home and swimming pool.

In reviewing the Project site plan relative to hillside contours, they are concerned that Lots 66-71 and 75-76 [DEIR Fig. 1.3 attached to letter] will increase storm water runoff and overwhelm capacity of the existing drain system. In the ED-1 alternative [DEIR Figure 14.2 attached to letter], lots 44-47 and 50-51 pose the same runoff problems.

States the mitigated alternative [DEIR Figure 14.3 attached to letter] does not appear to create a significant change in water flow provided a drain system is constructed in the two cul-de-sacs on the east side of the Project.

Response: See General Response to Comments on Storm Water Drainage. As more fully described under this General Response, storm water runoff from the east portion of the Project site would be diverted into the Project's in-street storm drainage system. Project grading would change the slope on Lots 67 through 80 such that they would be inclined towards the center of the Project site, and storm water flows from these lots would be diverted into the storm drainage system. Grading for both the ED-1 Alternative and the Mitigated Alternative could accomplish the same design concept.

D3.2. During winter rains they monitor and clean the drain ditches and sump because if the screen protecting the drainpipe is not kept clean, the sump will overflow.

Response: See General Response to Comments on the Need for On-Going Maintenance. A homeowners association would be required to provide for the maintenance needs of the Project's private storm drainage and detention facilities (i.e. detention basins and diversion facilities), and the City would provide maintenance for the in-street system.

D3.3. p. 6-10. States third paragraph, last sentence is not true: the Project will not reduce surface flows and groundwater seeps, and might increase flooding of our lot. They request that the Project hydrologist respond in writing to their concerns.

Response: See General Response to Comments on Storm Water Drainage.

D4. Comments from Charles Ball, 2728 Utah St., dated October 1, 1999.

D4.1. Opposes Project due to watershed, traffic and aesthetic concerns.

Response: Comment noted.

D5. Comments from Rose Eid received October 4, 1999.

D5.1. They have been told by City officials the site is an unstable hill and believe it would be foolish to build over 80 homes on an unstable hill.

Response: See General Response to Comments on Landslides and Slope Instability.

D5.2. Old Sonoma Road is too narrow now for the number of cars using it and Project traffic would make the problem horrendous.

Response: See General Response to Comments on Old Sonoma Road Traffic Safety Hazards.

D6. September 20, 1999 letter from Patricia Jennings, Andre La Velle and Isaac Goldstein, owners of 2787 Indiana Street.

D6.1. State they have serious concerns about the detrimental impacts the Project will have on the character and lifestyle of their neighborhood and on the City. Questions how many times residents must express their outrage before the City will disallow further proposals. They hope the Planning Commission will not allow any proposed changes and believe the City Council was wise in their prior decision to designate the site Resource Area. They support the current General Plan.

Response: This is not a comment on the adequacy of the EIR, but a process comment. Applicants have a right to submit an application on a property; the City may not refuse to accept or process an application unless the specific application has been denied. Davidon Homes had an active application to construct 85 homes on the property when the City Council adopted a new General Plan. The General Plan re-designated 78 acres of the Napa Oaks site to "RA" - Resource Area in December of 1998, at a density of 1 unit/ 20 acres. However, the applicants wanted the Planning Commission and City Council to review their specific Project with the benefit of site-specific environmental information. To allow the application to continue to be processed, Davidon Homes submitted a General Plan Amendment application on May 14, 1999 to accompany their earlier applications. The Draft EIR was then updated and completed in order to complete processing of the proposed Project applications.

D6.2. The DEIR needs to address the acoustics of the hillside, which amplify noise coming off the hill, in estimating future noise levels and mitigation measures.

Response: Salter and Associates, the noise consultants that prepared this section of the EIR do not believe that the hillside "amplifies" noise. Because noise generally travels along the line of sight, noise from the hillside may appear amplified because there is no barrier between the hill and downhill residences. While residential activity at the proposed home sites would be audible at existing residences, no noise criteria or guidelines are exceeded by general residential activity.

D6.3 Believe access for the Project at Lilienthal is dangerous and not adequate for the Project. Cars speed down the hill, and the slope of the hill causes a blind spot. The crossing at Lilienthal is closer to the rise and more dangerous than Casswall where they cross Old Sonoma. When walking across, they often have to run to get out of the way of a car they couldn't see in time.

Response: See General Response to Comments on Old Sonoma Road Traffic Safety Hazards.

D6.4. They understand Old Sonoma Road is part of the Bay Trail and do not feel the EIR adequately provides for its needs; it will be dangerous to walk, run or ride bikes up or down the hill.

Response: The Napa General Plan (pg. 5-14) indicates that a Bay Trail route has not been firmly established in Napa, but that one alternative (as shown on the City Wide Trails Plan) locates the Bay Trail near the Cuttings Wharf area, generally south of Imola Avenue. An alternative Bay Trail alignment could use Old Sonoma Road from the Carneros District leading to Imola. Because Old Sonoma Road is a potential alignment for the Bay Trail, Mitigation Measure 10.9 requires the Project to develop a pedestrian and bicycle trail within the Old Sonoma Road right-of-way. As indicated in Response to Comment C.2, this trail would be a Class II bike lane consisting of a dedicated 5-foot wide striped and paved bicycle lane on the south side of Old Sonoma Road. The Project would be responsible for constructing the portion of this bike trail along the Project frontage near the

proposed EVA access road, and between the Project entry road and Casswall Street. This Class II bike lane would be consistent with City plans and the Bay Trail plan (see also Comment C2.1 from Sherrie Stone, City of Napa Community Resources Department).

D6.5 They believe the traffic estimates in the EIR are extremely low, as these are large homes.

Response: The trip generation rates for single family detached residential units used in the Draft EIR analysis are based on research compiled in the *Sixth Edition of the Trip Generation Manual* published by the Institute of Transportation Engineers in 1997. The average rate of 9.57 trip ends per dwelling unit is based on 49 individual studies that were surveyed from the late 1960s to the mid 1990s throughout the United States and Canada. The use of average trip generation rates listed in the *Trip Generation Manual* to estimate future traffic is standard industry practice.

D6.6. In their view it is crazy to densely develop land that has such a steep slope and such serious geological instability; faults and landslides have potential for disaster. In their opinion, retaining walls and grading can't guarantee the safety of their home and the EIR admits to speculation with regard to this issue.

Response: See General Response to Comments on Landslides and Slope Instability. The EIR recognizes that seismic shaking as a result of a significant earthquake could result in damage to structures at the site, but concludes that adherence to UBC seismic provisions (as required under Mitigation Measure 3.2) can reduce this risk to levels ordinarily considered acceptable in this seismically active region. The EIR cannot definitively state that there would be no potential geological hazards associated with the Project because the avoidance and reduction of these potential hazards would be dependent upon effective and accurate implementation of the recommended mitigation measures. However, if the mitigation measures recommended in the Draft EIR were to be implemented they would, “*reduce debris flow hazards, reduce the presently occurring erosion, correct drainage and improve stability in potential landslide areas*” (see page 3-23 of the Draft EIR).

D6.7. The EIR notes visual impacts are severe and cannot be mitigated. They believe we need to guard the open space that exists and is protected by zoning and the General Plan.

Response: Comments noted. The Draft EIR indicates that visual impacts associated with construction of the proposed Project cannot be mitigated in the short term, but that this impact can be mitigated in the long term once the required vegetation has matured to provide sufficient screening.

D6.8. There is not enough access to parks in the neighborhood.

Response: As noted in the Draft EIR, (page 1-25), “*The Napa General Plan identifies the Project site as within an area that will have deficient neighborhood park access. With limited vacant land available for new parks, the City Park Plan proposes the purchase or lease of surplus school sites or developing joint use agreements for school property to help meet neighborhood park needs in under-served neighborhoods. For the Southwestern edge of Napa, the City has identified Ridgeview Middle School or Snow Elementary School as possible sites (excess property) for the development of a neighborhood park, or the acquisition of vacant land in this area as it develops. The NVUSD, however, has determined that excess property at Snow Elementary School should be held in reserve for future school capacity needs.*”

The Project would be required (pursuant to Condition of Approval 10.8) to pay park development and dedication fees. Payment of these fees would provide mitigation for the Project's contribution to the cumulative demand for neighborhood park facilities. The most likely site for new park facilities to serve this neighborhood may be at Ridgeview Middle School, although the City may pursue other alternatives.

D6.9. Project school impacts must be considered by the Planning Commission; schools are overtaxed and this Project will make things worse.

Response: Comment noted. School impacts are fully addressed on pages 10-12 through 10-15 of the Draft EIR.

D6.10. This hillside is habitat for wildlife: they often see raptors, and the wetlands, grasslands and oak trees are homes to many creatures. The Project would destroy acres of these habitats. In their opinion, there is no adequate mitigation for this fact.

Response: Comment noted. General wildlife habitat on the Project site is described on page 4-6 of the Draft EIR. The State Department of Fish and Game also encourages the preservation of oak woodland habitat, and Mitigation Measure 4-2B provides for the mitigation of impacts to this habitat type through off-site preservation and on-site creation of new oak woodlands. See General Response to Comments on Feasibility of Oak Woodlands Mitigation Measure.

D6.11 The Project has potential to increase existing runoff problems in the neighborhood; the EIR does not resolve these concerns as stated in Chapter 15.

Response: See General Response to Comments on Storm Water Drainage.

D6.12. There is no guarantee that property owners will maintain the drainage and not interfere with mitigation measures proposed by the developers.

Response: See General Response to Comments on Storm Water Drainage. The drainage facilities proposed in the development include concrete lined swales, pipelines, a diversion structure and a detention basin. All of these facilities are to be constructed within public right-of-ways or within storm drainage easements to allow access for inspection, maintenance and replacement. All drainage swales and pipes between lots are within 10-foot wide storm drainage easements, which will be managed and maintained by the homeowners association. Larger storm drainpipes that are within the public right-of-way of the street will be dedicated to and maintained by the City. Maintenance for the detention basin and diversion structures would be provided by a homeowners association. See also General Response to Comments on On-Going Maintenance Needs.

D6.13. Believe the water tank will cause a deterioration of the scenic landscape and will be a hazard in case of a landslide or earthquake and is unwise.

Response: See Response to Comment C6.8 above.

D7. Comments from Paula Phillipps, 706 Casswall, received October 4, 1999.

D7.1. Opposes development at this location due to need to preserve beauty of the oak studded property and concerns about erosion, noise and traffic.

Response: Comment noted.

D8. Comments from Fred and Irene Thomas, 2776 Illinois St., received October 4, 1999.

D8.1 Opposes Project. Concerns include traffic, and loss of views.

Response: Comment noted.

D9. Comments from Violet Zuffo, 2783 Illinois Street, received October 4, 1999

D9.1 Expresses concerns about loss of hillside views and increased traffic this Project would bring to Old Sonoma and Foster Roads.

Response: Comment noted. See General Response to Comments on Old Sonoma Road traffic Safety Hazards and Foster Road Traffic Impacts.

D10. Letter received October 5, 1999 from Tod and Gigi Bechtol, 2774 Idaho St.

D10.1 Urge rejecting the proposal. The open hill to their west was an attraction in purchasing their home; building houses there would decrease the value of their home.

Response: Under CEQA Guidelines, potential socio-economic impacts are not addressed in an EIR, but may be considered by the lead agency when considering Project application proposals.

D10.2 Believe Old Sonoma Road would be at an increased traffic accident risk with the addition of 80 homes.

Response: See General Response to Comments on Old Sonoma Road Traffic Safety Hazards.

D10.3 Currently Snow School is over capacity; where would new school children be educated?

Response: According to the Napa Valley Unified School District's Capital Improvement Plan (March of 1998) the School District has developed three possible options to house additional enrollment throughout its service area. One potential option to alleviate overcrowding at the Snow Elementary School is to house additional students within three relocatable classrooms, increasing the capacity of the school by 75 students.

D11. Comments from Myrtle Cochran, 2790 Idaho Street, received October 5, 1999.

D11.1 Long term taxpayer urges that we STOP building on our few remaining hillsides. She lives at the bottom of the Napa Oaks hill and every winter watches the erosion run down her street.

Response: See General Response to Comments on Storm Water Drainage.

D12. Anonymous comments received October 14, 1999.

D12.1 Opposes Project. States hill behind Casswall is one of the prettiest in Napa and residents do not want it torn up for more houses and cars and noise. They do not want any more traffic on area streets or increased rain runoff.

Response: Comments noted.

D13. Letter dated October 12, 1999 from James and Joan Lang, 360 Pickwick Drive, Napa.

D13.1. They live a few blocks from the western hills and one of the area's attractions was the natural beauty of the hills. Believe it would be a shame to lose that beauty to this development. State they are not against all development, for example, they favor plans for Downtown commercial renovation. However, they favor permanent protection for open space and agriculture on the hillsides and are opposed to residential development there.

Response: Comment noted. Please refer to the No Development and the RA Alternatives section of the Draft EIR for an environmental analysis of these two alternatives.

D14. Letter from Barbara Williams, 4135 Old Sonoma Rd., received October 15, 1999.

D14.1. Asks that City not cave in to political pressure to blighting the remaining beauty of the City. States that developing Napa Oaks could add 800 car trips per day to Old Sonoma Road which has already become a "freeway". States there is plenty of property at the base of hills along Highways 12 and 29 that could be developed without robbing the oak tree-created beauty of the hills of Napa.

Response: See General Response to Comments on Old Sonoma Road Traffic Safety.

D15. Letter from Scott Tandy, 2775 Utah St., dated October 18, 1999.

D15.1. States Napa Oaks should not be permitted as it poses traffic safety threats at the its Lilienthal entrance. He notes cars already travel at high speeds up/down Old Sonoma Road at this location. He further states it is hard to see fast moving traffic coming down Old Sonoma when making a right turn from Casswall to Old Sonoma, as a resident who lives at the corner has a tall fence pillar blocking views of the road. He states added traffic created by 83 new homes will create trouble, whether or not the entrance has a stop sign or signal installed.

Response: See General Response to Comments on Old Sonoma Road Traffic Hazards. The fences including the pillars are located adjacent to a paved parking area that is located on the southerly side of Old Sonoma Road adjacent to the paved roadway and shoulder. The fences do not block the sight distance of traffic making a left turn from Casswall Street onto Old Sonoma Road. Parked vehicles could block sight distance. If this is the case, the City of Napa could prohibit parking on the south side of Old Sonoma Road; however, the Project and traffic generated by the Project will not change the physical condition at Casswall Street and Old Sonoma Road.

D15.2 States the Draft EIR fails to address intersection Level of Service of Existing Traffic Conditions of Casswall St. / Old Sonoma Rd. and Foothill Blvd. / Old Sonoma Road.

Response: The intersections to be studied in the Draft EIR were determined by the City of Napa with assistance from the consulting team. Thirteen intersections were studied; however, the list did not include either Old Sonoma Road/Casswall or Old Sonoma Road/ Foothill Drive. During evening peak hours the frequency of traffic on Old Sonoma Road would increase from one vehicle every 10.5 seconds to one vehicle every 8.5 seconds with the Project. This increase in vehicle frequency along Old Sonoma Road would still provide sufficient time for a vehicle to make a left turn from either Casswall Street or Foothill Boulevard onto Old Sonoma Road and no significant change in levels of service at these intersections would be expected.

D16. Comments from Sybil Hardegen 2719 Idaho St., received October 21, 1999.

D16.1 Opposes the Napa Oaks Project, citing concerns about the fault line, erosion, traffic, and visual impacts.

Response: Comments noted.

D17. Comments from Bob and Ann McNeill, 2755 Iowa Street, received October 25, 1999.

D17.1. Does not want Napa Oaks due to concerns the hills are too steep, the runoff will be terrible, traffic and the loss of the oak trees.

Response: Comments noted.

D18. Letter from R.L. and V.L. Sherwood, 2766 Utah St, received October 25, 1999

D18.1. Has concerns about Project traffic particularly 1) up and down the driveway on a bad hill and 2) excess traffic on Casswall St. and in the area.

Response: The only expected increase in traffic on Casswall Street would be from the three new homes located on the private drive with access onto Casswall (this drive is not located on a hill), and from very limited traffic to and from destinations in the immediate neighborhood. The main access road for the Project has been designed to City standards regarding width and grade.

D19. Letter from Scott Crandall, 2796 Idaho St., received October 26, 1999

D19.1. Has concerns about the Napa Oaks subdivision. States he hiked these hills as a child and there are animals on these hills found nowhere else in the Napa Valley. Destroying their habitat would eliminate them from the valley.

Response: The wildlife observed and expected to occur in the habitats on the Project site are typical of the oak woodlands and grasslands in the vicinity. A search of the California Natural Diversity Database and discussions with Department of Fish and Game biologists did not identify any wildlife species that are specifically restricted to the Project site.

D19.2 He noted that his father, a civil engineer, had told him that building on a seismic fault is like walking on water: it can't happen. He states he can show us the fault line; he's watched it grow all his life.

Response: The Project Geotechnical Engineer and the EIR Geotechnical Engineer (both civil engineers) have extensively evaluated the faults in the vicinity. Mitigation Measures 3.1A recommends appropriate geologic setbacks, Measure 3.1B address utilities construction, and Measure 3.2 addresses seismic shaking, mitigating these impacts to levels of less than significant.

D20. Letter dated October 25, 1999 from Kathy Flynn, 105 Lilienthal St.

D20.1 Believe Napa Oaks should be stopped. They moved into the area because of the beauty and serenity of the hills and would not have if they had known they would have to hear construction. States the Project will bring nothing good to their neighborhood; in fact property values may decrease as a result of loss of the hillside.

Response: Comments noted.

D20.2. Is concerned about traffic and accompanying noise increases as a result of the Project.

Response: Comment noted. Increases in traffic and noise as a result of the Project are not projected to result in significant adverse effects.

D20.3 Believes there will be a great upset to the bird and wildlife population.

Response: Comment noted. See Response to Comment D32.3.

D21. Letter from Ruth and Charles McCrum, 651 Somerset Pl., Napa, dated October 25, 1999

D21.1 Opposes Napa Oaks due to increased traffic, noise, and loss of the beauty of the hills. Asks whether Napa needs eighty 4,000 square foot homes; they don't believe so.

Response: Comments noted.

D22. Letter from Lew and Dolly Reynolds, 116 Lilienthal dated October 25, 1999.

D22.1 Commentors are concerned the Project will create more traffic on Lilienthal, which has families with small children and a lot of walkers. Also state cars coming down Old Sonoma Rd. would not be able to stop for cars making left turns out of Napa Oaks or coming across Lilienthal.

Response: Based on the Projected trip distribution patterns for the Project (see Figure 7.3 of the Draft EIR), any increase in traffic on Lilienthal Street would be of such small proportion as to be considered less than 1% of the trips generated by the Project. This is less than 8 cars per day, or a less than significant effect. Unless there is a destination in the immediate neighborhood, traffic generated by the Project would use Old Sonoma Road to travel east or west, and Foster Road, Freeway Drive, State Route 29 or South Jefferson Street to travel north or south.

See General Response to Comments on Old Sonoma Road Traffic Safety Hazards.

D22.2 They also believe remaining oaks will die from too much water and chemicals.

Response: See General Response to Comments on Feasibility of Oak Woodlands Mitigation Measure. The maintenance and monitoring program recommended as an addition to Mitigation Measure 4-2B would provide specific maintenance procedures, including irrigation practices for both new and remaining oaks on the Project site.

D22.3 They ask where the water tank will be located, what it will look like and how water will be piped to the residential site on the south side.

Response: Figure 1.4 of the Draft EIR shows the proposed location of the water tank. The tank is generally described on page 1-4. Water would be piped from the tank through underground transmission lines to be constructed in the water tank access road right-of-way, then cross under Old Sonoma Road and then be distributed throughout the Project area, as shown in Figure 5.1 of the Draft EIR. The system would operate by gravity flow from the tank to the Project site

D22.4 The main objection is not only will they lose the beauty of the hillside but the traffic impact on Old Sonoma Rd., Casswall and Foster Road will be a disaster. States this is not a safe place for so much more traffic.

Response: See General Response to Comments on Old Sonoma Road Traffic Hazards and General Response to Comments on Foster Road Traffic Impacts. As stated on page 7-17 of the Draft EIR, *“Project traffic is not expected to use Casswall Street, Indiana Street or Utah Street for access to Foster Road to a significant degree because that route would involve more turns and has a longer driving time than the less circuitous route of Foster to Imola Avenue West. The only increase on Casswall Street will be to and from destinations in the immediate neighborhood.*

D23. Comments from Jim and Dorothy Russell, 2735 Idaho St., received October 27, 1999.

D23.1 Commentors do not want Napa Oaks. They like the open hills and want no added traffic on Old Sonoma Road.

Response: Comments noted.

D24. Letter from Ethelyne Whatley, 651 Foster Road received October 27, 1999.

D24.1. States 100 more vehicles per day on Foster Road is too many; it is busy now.

Response: See General Response to Comments on Foster Road Traffic Impacts.

D24.2. States that during the rainy season their backyard is flooded and it should not be made worse.

Response: See General Response to Comments on Storm Water Drainage.

D24.3 Asks that there be no building on this beautiful hill.

Response: Comments noted.

D25. October 28, 1999 letter from Marie Cooper, McCutchen, Doyle, Brown & Enersen, LLP, Attorneys at Law representing Davidon Homes, 1333 N. California Blvd., Walnut Creek, CA.

D25.1. They note for the record that Davidon’s applications, except the general plan amendment request, were submitted and accepted as complete in 1997. Davidon did not amend any of the 1997 applications, but has simply submitted an additional application for a general plan amendment.

Response: The City of Napa approved a new General Plan in November of 1998, resulting in a change to the land use designation for the Napa Oaks property. Under the new General Plan designation, the proposed Project could not be approved as submitted. In order to pursue approvals for the project as proposed, the applicant decided to apply for a General Plan Amendment to change the Resource Area land use designation. The project application was amended to include application for a General Plan Amendment on May 14, 1999; this application was accepted as complete upon submittal of the property owners’ signatures on May 24, 1999. At that time, the applicants also agreed to a modification to the EIR scope and schedule in order to address the project’s consistency with the 1998 General Plan.

D25.2. They note that the Planning Commission recommended the SFR general plan designation for the Napa Oaks site to the Council in late 1998. They state that by doing this, the Commission had already determined the SFR is consistent with applicable provisions of Envision Napa 2020, and the Commission had determined that the EIR for the General Plan had adequately evaluated all impacts of the SFR land use designation. They state no evidence has been presented which would justify a change in those conclusions.

Response This is not a comment on the EIR, but on the land use designation for the site under the General Plan. It is noted that the SFR designation that the Planning Commission recommended to the Council included a density range of 0-2 units to the acre, thus the Resource Area land use designation ultimately adopted by the City Council is within that original range; the Council determined at the time that a more discrete range of units was appropriate. The Planning Commission did not have authority to bind the City Council as to either the wisdom of the SFR designation, its consistency with various General Plan provisions or the adequacy of the original Citywide EIR as it applies to the Napa Oaks site. While the General Plan EIR addressed the original range of density for the site, that document is a Program EIR, and may rely on project specific analyses to make site-specific determinations.

As stated in the Final General Plan EIR, p.1 “The General Plan FEIR is considered a “Program EIR” because it evaluates the potential environmental impacts of a series of future actions based on an understanding of the overall setting, without the availability of project level details. The certified FEIR will provide baseline environmental information to be used in the future by the City when making decisions that implement the policies and programs of the General Plan. In using the Final EIR, the City may rely solely on the FEIR or may prepare additional environmental documents. The decision whether further review is required will depend on the particular activity proposed, the form of the proposed approval, and the circumstances existing at the time of the proposed approval.” However, the Napa Oaks Draft EIR did rely on the City of Napa General Plan EIR when addressing certain cumulative environmental impacts. The City of Napa General Plan EIR did assume a buildout of the Napa Oaks site with approximately 85 units as a “worst-case” scenario.

Indeed, Davidon wishes the Council to re-look at their designation based on site specific analysis of General Plan consistency and environmental review, hence the Napa Oaks Environmental Impact Report.”

- D25.3** p. 2-32: They state the discussion of Impact 2-5 [Conflicts with agricultural use at the urban/rural interface] indicates that the Project could result in a reduction in pesticide and fertilizer use, dust generation, odors and chemical spray drift, noise and other “nuisance activities” and calls this a significant adverse impact. They fail to see how a reduction in adverse environmental conditions can be an adverse environmental impact.

Response: Agricultural uses that are operating within applicable laws often involve the use of pesticides and fertilizers, and frequently result in the generation of dust, odors and noise. Such agricultural practices are regulated by federal, state and local laws and ordinances, and are important economic assets of the region. The encroachment of a potentially incompatible land use (such as the proposed Project) into an agricultural area could be detrimental to the continued viability of agricultural operations, potentially resulting in decreased productivity. If such agricultural practices become economically non-viable as a result of the encroachment of non-compatible uses, it could result in substantial economic pressure to convert these agricultural areas to non-agricultural uses. Changes to the environment that could result in the conversion of agriculture to non-agricultural use are considered by CEQA to be a potentially significant effect. The California Resources Agency’s concerns about these issues are apparent from the questions posed in the sample Initial Study checklist as modified in 1998. That document states that public agencies complying with CEQA should normally consider whether a Project would involve changes in the existing environment that, due to their location or nature, could result in the conversion of farm land to non-agricultural uses.

- D25.4** p. 3-1. They state the discussion of geological impacts analyzes impacts of the environment on houses to be built within the Project. They state this is not an impact of the Project on the environment and its analysis is beyond the scope of CEQA, citing a court case *Baird v. County of Contra Costa* that any effect of the environment on a proposed Project is beyond the scope of CEQA. Thus, they state mitigation measures are not required by CEQA and that it is better to leave details of specific protective measures to the expert opinions of the City’s and Davidon’s engineers.

Response: The EIR authors disagree. CEQA Guidelines, Section 15126.2a (October 1998) requires that “*The EIR shall analyze any significant environmental effects the Project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.*” The example raised by this comment is in direct conflict with not only the intent, but also with the specific language of the CEQA Guideline. Additionally, the CEQA Environmental Checklist identifies a potentially significant environmental effect if the Project “*exposes people or structures to potential substantial adverse effects . . . involving; rupture of a known earthquake fault, . . . strong seismic shaking, seismic-related ground failure, and/or landslides.*” The identification of appropriate mitigation measures to address these potential impacts is also required by CEQA.

- D25.5** p. 4-17. They state Mitigation Measure 4-4 would require construction of specific wetland habitat and request that this measure be clarified to ensure that the habitat be that which is acceptable to the Army Corps of Engineers.

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Response: Mitigation Measure 4-4A provides recommendations for replacement wetland habitat, and Mitigation measure 4-4B requires that a wetland mitigation plan be prepared and approved by the US Army Corps of Engineers and the City prior to approval of the grading plan. To avoid any potential confusion, Mitigation Measure 4-4A shall be amended as follows:

Mitigation Measure 4-4A: Re-Create Affected Wetland Habitat. *A minimum of 1.14 acres or a minimum 1:1 ratio of wetland habitat shall be recreated to compensate for those wetland areas lost. The plan for the creation of this wetland mitigation area shall be approved by the Army Corps of Engineers and signed off by the City prior to approval of the grading plan.*

D25.6 p. 5-7. They understand that City policy is to accept payment of a fee to satisfy Condition of Approval 5.1B Retrofit of Existing Water Fixtures.

Response: This condition of approval is derived from the City of Napa's Standard Mitigation Measures (Policy Resolution #27). The City's monitoring and reporting program for this measure indicates that the developer shall submit a Certificate of Compliance, and that the City shall inspect the completed retro-fits for compliance. The inspection is to be conducted by the Public Works Department prior to issuance of a Certificate of Occupancy. While the City's Water Retrofit Ordinance permits an option to accept payment of fees in lieu of Retrofit Certificates, and Davidson may wish to request this option, the City has not developed such a fee, as the program has worked very well without it. In order for a fee option to be considered by the City Council, the developer would need to provide an analysis, acceptable to City staff, to establish the fee. This analysis would need to include the cost to have qualified individuals perform the retrofits (including parts/fixture costs and disposal costs), and costs by City staff to prepare contracts and administer retrofit agreements with qualified contractors.

D25.7 p. 5-9. They wish to clarify that the water tank listed as Mitigation Measure 5.2A is the same water tank already included in the Project description.

Response: There is only one water tank required of the Project, the tank included in the Project Description.

D25.8. p. 6-12. With regard to Impact 6-2, relating to water quality, they note the EIR proposes to impose standard mitigation measures of compliance with City and Regional Water Quality Control Board standards. The EIR further acknowledges (p. 6-17) these mitigation measures "will likely avoid all significant effects," yet concludes the impact remains potentially significant because authors can not be absolutely certain all pollution will be eliminated. This conclusion is contrary to the significance criteria stated at the beginning of the chapter. Moreover, the requirement for absolute certainty is not a requirement that they have encountered before in an EIR. The EIR does not explain why complete avoidance is the standard used for this one impact, nor why this standard should be considered reasonable.

Response: The Draft EIR is conservative in the analysis and conclusion regarding the degree of effectiveness of the proposed mitigation measure. This approach reflects the fact that best management practices, even as approved by the Regional Water Quality Control Board, are known to be unable to eliminate all pollutants carried in storm water runoff. This fact, combined with the City's inability to control the water quality of receiving waters (for which limited data are available) creates the possibility that pollution from runoff will contribute to significant water quality impacts. For these reasons, and because the site is in a high erosion hazard area, the City, to be conservative, preferred to leave the impact as 'potentially significant without mitigation, and to require Findings and a Statement of Overriding Consideration for this impact at the time of Project approval.

D25.9 They ask to make sure that this Project is being evaluated based on the same criteria as other Projects, that the EIR explain whether and under what circumstances such certainty has been required in a mitigation measure for any City-approved Project in the last 5 years, and when the City has previously found a potentially significant impact for storm water runoff, when City and RWQCB standards and Best Management Practices were imposed as mitigation.

Response: See Response to Comment D25.8. The Stanly Ranch EIR certified in July 1999 is a recent example in which the City used the same conservative approach. This approach does not demand certainty, as much as it recognizes the limits of best management practices.

D25.10 p. 7-24, Impact discussion and Mitigation Measure 7.4, and p. 10-26, Impact discussion and Mitigation Measure 10.9: They state that the EIR finds a need for a bicycle lane when the Napa Oaks site is designated “RA”, which indicates there is no nexus between the proposed bicycle lane and the Project. They ask for an explanation of the nexus, if any, between the number of units proposed for the Project and the need for a bicycle lane along the Napa Oaks Project frontage.

Response: CEQA Guidelines, Section 15126.4a require that “*there must be an essential nexus (i.e. connection between the mitigation measure and a legitimate governmental interest; and the mitigation measure must be ‘roughly proportional’ to the impact of the Project.*” The Draft EIR identifies a potential impact of the Project as being “the generation of new residents that will require access to nearby schools, parks and open space areas within and adjacent to Napa. New residents and children will access these facilities by bicycle or by foot. To the extent that these trails are too narrow, hazardous or unsafe, this could be a potentially significant impact.” The Draft EIR does not attempt to quantify a specific threshold for the number of units necessary before such an impact would be considered to be potentially significant. The connection between this mitigation measure and a legitimate governmental interest is the furtherance of General Plan Policy PR-5.16, which states; “*The City shall require new development to dedicate trail alignments and associated improvements as a condition of development approval.*” The presence of a bike lane on Old Sonoma Road in the City General Plan meets this requirement because it is being imposed via a legislative scheme. (See *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 868-869, 876, 886.).

Under the RA Alternative, new development would be allowed along the frontage of Old Sonoma Road. The authors of the EIR recommend that dedication of this trail should be also be considered as a condition of approval for any Project consistent with the RA alternative pursuant to Policy PR-5.16.

D25.11. They state that Impacts 8-5, 9-3 and 9-4 are impacts of adjacent agricultural uses on Project residents, thus are not within the scope of CEQA and therefore no mitigation measures are necessary under CEQA.

Response: See Response to Comment D25.3

D25.12 Visual Impacts chapter. They ask that the EIR explain why loss of lots is necessary to eliminate visual impacts and why less drastic mitigation measures would not reduce impacts to less than significant levels. They state that the EIR’s conclusion is particularly puzzling when the 1998 Administrative Draft EIR, which the Council relied upon and cited as part of the record of proceedings for the General Plan, concluded all visual impacts could be mitigated to a level less than significant.

Response: The EIR includes numerous “less drastic” mitigation measures to reduce or avoid significant visual impacts including the reduction of building heights, reduction of the scale of proposed homes, and development of a naturally-appearing Agricultural Buffer landscape program. Elimination of lots #27 and #30 is recommended as Mitigation Measure 11-3B because homes on these two lots would

protrude significantly into the skyline (or silhouette against the ridgeline) as shown on Figure 11.9 of the Draft EIR. Mitigation Measure 11-3A recommends against the significant amount of fill slope and modification of natural topography that would be required to create Lots #33 through #39 as proposed. Elimination of these lots is the result of minimizing cut and fill activity on the site consistent with Hillside Development Guidelines, and avoiding the significant visual impacts of substantial modification of the natural topography.

It is assumed that this comment's reference to a 1998 Administrative Draft EIR is the 1998 Napa Oaks Administrative Draft EIR, an internal review document that has no legal standing and only served as a preliminary draft document for review and comment by City staff. Accordingly, it was not relied upon or cited in the Council's Record of Proceedings for the General Plan, although background studies and reports used in preparation of that administrative draft EIR, were cited and relied upon.⁵

D25.13. They wish to confirm that a revised Figure 11.9 will be included in the FEIR so that the illustration depicts information in the document re lots 27, 27 and 48 [p. 11-25].

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Response: Figure 11.9 shall be revised and replaced with the more accurate visual simulation provided by the applicant.

D25.14 p. 10-24. They note that while the discussion on Impact 10-8 indicated parks in the area are deficient, it concludes the Project will not have a significant impact. However, mitigation in the form of park fees are still required. They ask that the EIR confirm that through payment of the fees, the Project will offset any impact the Project might have on the need for parks.

Response: As noted on page 10-25 of the Draft EIR, "Payment of City Park Fees would provide mitigation for the Project's contribution to the cumulative demand for neighborhood park facilities. The most likely site for new park facilities may be at Ridgeview Middle School, although the City may pursue other alternatives." No additional mitigation measures are recommended.

D25.15 They state that the EIR in several instances proposes elimination of lots to further various density buffering concepts. They wish to point out the importance of some of the statements made at the Planning Commission hearing in this regard, which show that low-density residential uses *are* the proper buffer between the Casswall neighborhood and vineyards. One Casswall resident complained that the Project would not be compatible with his neighborhood because it is not comprised of small, high density housing, while Dr. Truchard complained housing is not compatible with his adjacent vineyards. They believe buffers between land uses are a policy decision for the City, not an environmental issue per se. In any event, it makes no sense to discuss buffer zones *within* the Project, since the Project site itself is a buffer between agricultural and residential uses. To them it appears that the role of the site as a buffer is why the land has been within the City's RUL, and why it was designated for 0-3 units/acre when Davidon's applications were submitted, and why the Commission recommended 0-2 units/acre for the site last year.

Response: CEQA's Environmental Checklist defines an environmental impact as a "*conflict with any applicable land use plan, policy or regulation . . . adopted for the purpose of avoiding or mitigating an environmental effect.*" The City of Napa General Plan policies that require clustering or feathering of densities (particularly Policies LU-10.4, LU-3.3, LU-10.5 and NR-1.6 and 1.7) have been adopted by the City for purposes of avoiding or mitigating potential environmental effects, as so stated within the policy language. Additionally, the Agricultural Buffer Overlay

⁵ Findings of Fact and Statement of Overriding Considerations, City of Napa General Plan, p. 26.

District was adopted by the City to minimize agricultural/urban conflicts and contribute towards the long-term preservation and maintenance of agricultural activities (i.e. avoiding environmental impacts, see Response to Comment D25.3 above). To the extent that the EIR recommends elimination of lots to further the “cluster”, “feathering” or buffer concepts of the General Plan, such recommendations are made to avoid or mitigate potential environmental effects. Such environmental effects that are avoided or mitigated by these buffers, clusters or feathering concepts include loss of agricultural resources, loss of native oak woodland habitat and specific oak trees, erosion, differential settlement, visual impacts and fill of wetlands.

As noted on page 2-9 of the Draft EIR, “Policy language contained in a City's General Plan is often subject to varying interpretations. Given this, some Projects may be difficult to evaluate in Draft EIRs with respect to consistency or inconsistency with General Plan policies. This is particularly true when disparate General Plan policies conflict in the overall application to a given Project. However, case law interpreting the Planning and Zoning Law makes the following points clear: 1) that the meaning of such policies is to be determined by the City Council, as opposed to City staff, EIR consultants, or members of the public; and 2) that the City Council's interpretations of such policies will prevail if they are “reasonable” even though other reasonable interpretations are also possible. Courts have also recognized that, because General Plans often contain numerous policies emphasizing different legislative goals, a development Project may be “consistent” with a General Plan, taken as a whole, even though the Project may be inconsistent with certain policies. Therefore, the following discussion represents the best attempt by City staff and the City's EIR consultant to evaluate the Project's consistency with the identified goals of the Napa General Plan. The conclusions [presented in the Draft EIR] regarding Project consistency are not binding on the City Council. As noted above, “Conditions of Approval” are recommended, rather than mitigation measures, for Project features that are inconsistent with City environmental policies”.

D26. October 28, 1999 letter from Linda Emerson, Dickenson, Peatman & Fogarty, Attorneys representing clients, 809 Coombs St., Napa.

D26.1. Overall, they state the DEIR has been thorough, but believe some key areas should be revised or expanded.

Response: Comment noted.

D26.2. pp. 5. Alternatives. She states the summary should make it clear that the DEIR designates the No Development Alternative as the environmentally superior alternative.

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Response: The “RA” Alternative consistent with the current General Plan is the “No Project Alternative”. The No Development Alternative is not the No Project Alternative. Page 5 of the Summary Chapter shall be revised as follows:

“This chapter also identifies the “environmentally superior” alternative as the “RA” Alternative pursuant to Section 15126 (d) of CEQA Guidelines as the “RA” Alternative (the alternative consistent with the current General Plan designation for the site) in the absence of the No Development Alternative. The Alternatives analysis identifies the No Development Alternative as the environmentally superior alternative. The General Plan/RA Alternative is second best from an environmental standpoint.

D26.3 p. 14-3, second sentence. Suggests adding language that the No Development Alternative “would accomplish many of the City’s General Plan objectives for this site.”

Response: Page 14-3 of the Draft EIR discusses certain General Plan objectives that would be accomplished by the No Development Alternative, as well as certain General Plan objectives that would not be accomplished by this alternative. No additional language is necessary. While the No Development Alternative might be consistent with a number of environmental protection *policies* within the General Plan, it would not be consistent with the current *land use designation* for the site. From a legal standpoint, that specific designation, which creates expectations regarding density, carries more weight than the various general policies referred to.

D26.4 **p. 14-28. Believes the DEIR overstates the case when claiming the environmentally superior No Development Alternative “would not meet the general Project objectives” when it would meet a great many of the City’s General Plan goals and would be consistent with the Hillside Ordinance requirements.**

Response: CEQA Guidelines, Section 15124 provides that the Project description include “a statement of the objectives sought by the proposed Project.” The applicant provided their Project objectives. The General Plan was used (see DEIR, pp. 1-17 - 1-18) to formulate City objectives in regard to the property. The RA designation presumably embodies a key objective of the City. City staff also identified key General Plan goals as being relevant to this Project. Not every other relevant General Plan policy is needed in the list of formal objectives. The No Development Alternative would not meet the objectives sought by the Project applicant, nor some objectives of the City. No change is necessary.

D26.5 **pp. 1-4 and 1-17. Recommends, based on the Project description that the applicant’s third objective should be revised to more accurately state: “To help Napa provide luxury housing for wealthy homebuyers within the RUL.”**

Response: Comment noted. The applicant’s objectives do not suggest that the proposed homes will be affordable. Instead, the applicant suggests that there purportedly is a demand for high-end homes that this Project will help satisfy. The Project objectives sought by the Project and as provided by the applicant are not changed.

D26.6 **pp. 1-17 and 1-18. Believes the DEIR omits key General Plan objectives that pertain specifically to this site, and that the DEIR Project Description should also include the following General Plan policies to provide an accurate and complete account of the City’s objectives [as cited]: LU-1.4, LU-1.6, LU-3.2, LU-3.3, LU-4.1, LU-10.2, LU-10.B.**

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Response: The City’s overall objectives for the Project site are derived from General Plan goals that the City staff felt to be particularly applicable to this Project site. A complete list of General Plan policies that apply to the Project are not limited to those identified in this comment, but would include a full range of policies as set forth in each of the respective chapters of the Draft EIR. To single out a list of six or seven specific policies as the City’s objectives for this site, as suggested by this comment, would be to discount all other applicable General Plan policies. The policies included in the Draft EIR were among those considered most important or relevant by staff. The City Council, of course, could focus on others, including those mentioned in this comment.

It should be noted that all but one of the policies listed in the comment have been addressed in the DEIR review. LU 1.6 and 10.2 are addressed in the Visual Section, while LU 3.2, 3.3 and 4.1 are among many policies extensively addressed in the Land Use section. LU 1.4 is a general policy that the “City shall recognize the importance of historic properties, districts and aesthetic resources as contributors to the City’s identity”. This policy will be added to the visual resource and cultural resource policy setting sections of the document. However, this general policy addition does not affect any DEIR conclusions. (LU 10.B is an implementing program related to agricultural zoning which has been completed by the city, and is not necessary to add).

D26.7 pp. 2-1 through 2-36. Commentor states that, because this Project requires a General Plan Amendment for 78 of the 80.6 acres, all environmental analysis is based on mitigating a Project that by its nature creates unavoidable impacts on a property specifically identified in the 1998 General Plan as “requiring special standards due to viewshed, resource, habitat, geotechnical and other considerations that further the conservation and resource protection goals of the General Plan.” She notes that the maximum density of 1 unit per 20 acres is a *discretionary* use, and that the General Plan further “requires all uses on RA lands to be assessed to determine if they will impact or change the underlying character or feature intended for preservation”. She states that based on the General Plan, this is a *preservation*, not a development site.

Response: The comment is correct in stating that the General Plan designation of the site as “RA” enables the City to exert discretionary authority when reviewing proposed uses to determine if such uses will change the underlying character or feature that is intended for preservation by the RA designation. However, the Project being proposed includes a request for a General Plan amendment of the site to SFR, Single Family Residential use. The purpose of the EIR is to evaluate the potential environmental impacts of this proposed General Plan amendment and subsequent development activities, and to recommend mitigation measures or alternatives that can reduce or avoid potential environmental impacts associated with such development.

D26.8 pp. 2-8 through 2-10. She states the DEIR fails to sufficiently acknowledge that the proposal to remove 78 acres from the RA designation is inconsistent with the General Plan goal of minimizing “impacts to unique natural resources such as hillsides, ridgelines and environmentally sensitive areas.” Further, she believes the implication on p. 2-8 that the proposed amendment would not contribute to a significant environmental effect is misleading, for the approval of the amendment and subsequent development would involve an adverse physical change, as opposed to inconsistency with existing policies.

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Response: The Draft EIR specifically states on page 2-9 that “The Project is clearly inconsistent with the adopted General Plan land use category for most of the site.” The EIR authors do not believe that there is a written General Plan goal of “minimizing impacts to unique natural resources such as hillsides, ridgelines and environmentally sensitive areas”, but that this intent is fully imbedded within numerous General Plan policies. (If the Council grants the proposed General Plan amendment, the Council would be making a judgment that development as proposed is appropriate at the site, which therefore need not be preserved).

In regard to the second portion of this comment, the text on page 2-8 shall be changed as follows to clarify the difference between a policy inconsistency and an environmental effect:

“Notwithstanding the first significance threshold set forth above, the mere fact that the Project requires a General Plan Amendment and rezoning, or might be inconsistent with particular policies in the General Plan, Zoning Ordinance, or Hillside Development Guidelines, does not per se amount to a significant environmental effect (See Baldwin v. City of Los Angeles (1999) 70 Cal. App 4th 819,8420843). Rather, inconsistency with current City policies embodying environmental protection commitments is ~~simply~~ an indication that Project approval might lead to adverse effects on the physical environment. Potential adverse effects on the environment that would be anticipated to occur as a result of subsequent development inconsistent with City environmental policies are fully addressed in subsequent chapters of this EIR. Under CEQA, significant environmental effects must involve an adverse change in physical conditions, as opposed to mere inconsistency with existing policies. Thus, in the pages that follow, where City staff and consultants have identified potential “inconsistencies” with the General Plan, Zoning Ordinance, or Hillside Development Guidelines, the proposed Project changes needed to eliminate such

inconsistencies are styled "conditions of approval". Where City staff and consultants have identified potential environmental impacts; the recommended Project changes needed to reduce or avoid such impacts are defined as "mitigation measures." The use of the term mitigation measure in relation to a policy inconsistency would inappropriately suggest that the changes, if feasible, would be mandated by CEQA. (See Pub. Resources Code S 21002; CEQA Guidelines, SS 15002, subd. (a)(3), 15021, subd. (a)(2).). In fact, the changes would be mandatory only if the City Council determines that the changes are necessary to avoid an inconsistency with the City's General Plan, Zoning Ordinance, or Hillside Development Guidelines.

D26.9 pp. 2-11 through 2-14. She states that the land use, housing and natural resource policies listed on these pages [LU-10.5, LU-3.3, H-1.6, NR-1.6 and NR-1.7] specifically demonstrate the Project is inconsistent with the General Plan's policies. As stated throughout the DEIR, the Project has natural and environmental resource constraints that significantly limit its development potential. She concludes that merely amending the General Plan from RA to SFR does not remove other [General Plan policy] inconsistencies.

Response: Comment noted. Although an EIR is not intended to become a comprehensive consistency analysis of City policy, each chapter of this EIR does include a recitation of General Plan policies pertaining to environmental issues. These lists of General Plan policies have been included to help define criteria of significance and to provide the readers with a context within which to evaluate the relative significance of potential environmental effects. The City Council will make the ultimate decision as to whether any Project would or would not be consistent with various text policies of the General Plan, even if the RA land use designation is amended. In the opinion of the EIR preparers, the policies cited above do not prevent the Council from approving the Project.

D26.10. She states the assertion (p. 2-18) that clustering and reducing scale of homes could potentially eliminate the Project's inconsistencies with the General Plan is overbroad and inaccurate; the Project will remain inconsistent because excessive development of this site is not intended by the General Plan.

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Response: As noted on page 2-9 of the Draft EIR; "Case law interpreting the Planning and Zoning Law makes the following points clear: 1) that the meaning of such policies is to be determined by the City Council, as opposed to City staff, EIR consultants, or members of the public; and 2) that the City Council's interpretations of such policies will prevail if they are "reasonable" even though other reasonable interpretations are also possible. Courts have also recognized that, because General Plans often contain numerous policies emphasizing different legislative goals, a development Project may be "consistent" with a General Plan, taken as a whole, even though the Project may be inconsistent with certain policies." However, the text on page 2-18 shall be revised as follows in order to more accurately describe the EIR's conclusion:

*"In combination with **Condition of Approval 2.1B**, this alternative layout could potentially eliminate the Project's inconsistency with General Plan policies pertaining to the reduction of adverse effects on sensitive environmental resources (oak woodlands and wetlands) and on scenic resources, avoidance of physical constraints of the site (steep slopes, geological hazards and erosion prone areas); and minimization of potential urban/rural conflicts with adjacent agricultural uses."*

D26.11. She states the facts contained in the alternatives and overview sections conclude that developing the site according to the Mitigated Alternative will result in unavoidable impacts, which in itself is not consistent with the General Plan. In addition, she states that policies relative to Hillside Development will continue to be violated under the Mitigated Alternative because significant cuts, fills, tree removal and viewshed alteration will result.

Response: The General Plan does not prevent the City from approving projects that may result in unavoidable impacts. In fact, CEQA Guidelines, Section 15093 requires “the decision making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project.”

As noted in Response to Comment D26.10, a conclusion as to whether such an alternative would be consistent with City policy relative to hillside development is to be determined by the City Council, as opposed to City staff, EIR consultants, or members of the public.

D26.12. She states that a single use permit for 78 new homes in the :HS District will not begin to meet requirements of the Hillside Ordinance which require individual evaluation of each unit’s consistency with the :HS standards. (She notes, as an example, that individual use permits were a requirement of the Quarry Project).

Response: Section II.C of the Hillside Development Guidelines, *Subdivision or Other Development With A Potential For More Than One dwelling on an Existing Residential Lot*, provides that; “An application for a subdivision or other development with a potential for more than one dwelling per existing residential lot or parcel must first be found by the Planning Commission to be consistent with the purpose of the :HS District and Hillside development Guidelines. After which the Planning Commission may, by use permit, allow property zoned :HS to be subdivided and/or approve other developments with a potential for more than one dwelling per existing residential lot or parcel.” This provision of the Hillside Development Guidelines allows the Planning Commission to review the proposed Project in its entirety, with a single use permit application for the entire Project and not individual use permits for each proposed unit. A parcel by parcel, post-subdivision approach to compliance with the use permit requirement is not necessary.

D26.13. She disagrees with the DEIR statement p. 2-20 that these lots are consistent or compatible with many of the City’s Hillside Overlay District guidelines due to excessive grading, fills, visibility from scenic corridors, vegetation removal, and height. She cites the intents of the :HS Overlay District and states that the Project and “Mitigated Alternative” accomplish none of these intents.

Response: The City’s :HS zoning district and Hillside Development Guidelines contain numerous criteria, guidelines and standards by which to evaluate a proposed use permit. The analysis on pages 2-20 through 2-30 provides the best attempt by City staff and the EIR consultants to evaluate the proposed Project’s consistency with these criteria, guidelines and standards. Overall, the conclusions of this analysis indicate that the proposed Project would be consistent with the guidelines pertaining to:

- the provision of open space easements on most steep slopes and for agricultural buffers,
- the overall density of the proposed units,
- rounding off of sharp angles of cut and fill slopes and limiting grade differential between adjacent properties (with certain exceptions),
- keeping the height of proposed retaining wall to a maximum of 4 feet (with the exception of the proposed emergency access road),
- the use of structures designed to step into the contours of the site to minimize perceived height of structures to adjacent uses (applicable to approximately one-fourth of the proposed units), and
- the use of landscaping to minimize intrusiveness of proposed structures.

This analysis also concludes that the proposed Project would be inconsistent with hillside guidelines pertaining to:

- minimizing grading, and cut and fill required to build new access roads and residential pads,
- the height of proposed homes (generally exceeding 28 feet),
- removal of existing trees and vegetation,
- application of alternative development standards pertaining to setbacks, tandem parking and street improvement standards,
- abrupt changes in slope along the Projects southern boundary,

The Mitigated Alternative is a conceptual land plan design that attempts to incorporate additional design features that better reflect the intent of the Hillside Guidelines, and to minimize the identified inconsistencies listed above.

D26.14. She states the DEIR is internally inconsistent: pg. 2-29 states that most of the home layouts are designed to conform to natural contours of the site, but p. 14-21 states that about 2/3 of the units are designed with flat pad construction “although there are very few locations within the site where the natural grade is generally level.”

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Response: Comment noted. Page 2-29 shall be amended as follows: *“Approximately 21 of the proposed 83 ~~Most of the~~ home layouts are designed to conform to ~~natural~~ topographic contours of the site. For example, these 21 two-story structures are designed to step into the ~~natural~~ hill contours to minimize perceived height of the structure to adjacent (and downhill) uses.”*

D26.15 She states that the Project, with its flat “envelopes” is not consistent with Hillside regulations, and that the standards proposed in the Mitigated Alternative (p. 14-21) are more appropriate. She recommends that p. 2-29 be revised to acknowledge that the Project is *not* consistent with most of the Hillside Development Regulations.

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Response: Regarding the “envelopes” see Response to Comment D26.14 above. Regarding the second recommendation, page 2-20 of the Draft EIR already states (paragraph 3) that “...*the Proposed project is consistent or compatible with many of the City of Napa’s Hillside Overlay District Guidelines but not consistent or compatible with all of the guidelines of this zoning district.*” In reviewing this overview against the subsequent discussion, this overview is to be modified to more accurately state “ ...*The proposed project is consistent or compatible with some of the City of Napa’s Hillside Overlay District Guidelines but not consistent or compatible with other parts of the guidelines...*”.

D26.16. She states the DEIR (p. 2-31) says the Project’s inconsistency with Hillside regulations would be reduced by applying Condition of Approval 2-3; however, she asserts the inconsistency would remain and the resulting environmental impacts would not be eliminated or mitigated.

Response: The Draft EIR text states that application of Condition of Approval 2-3 “*could potentially allow for greater achievement of Hillside Development Guidelines*”, and “*could potentially reduce the Project’s inconsistencies with the environmental protection standards of the Hillside Development Guidelines.*” It does not state that all of the Hillside Development Guidelines would be achieved by development consistent with recommended conditions of approval. As noted on page 2-20, “*these guidelines are not intended to be strict standards, but rather to encourage development that is sensitive to unique characteristics common to hillside properties.*” The analysis of the Mitigated Alternative concludes that, with the exception of water quality and visual character, other impacts could be reduced to a level of less than significant through implementation of extensive mitigation measures.

D26.17. pp 3-18 to 19. She believes the DEIR statement which considers geologic impacts as less than significant if they reduce the impact to levels ordinarily considered acceptable under standard

engineering practices provides no assurance that the Project's geologic impacts can or will be mitigated to a less than significant level.

Response: As with all development in the seismically active Bay Area region, the Project site is susceptible to seismic shaking in the event of a major earthquake. Mitigation measures require the design of all structures to adhere to the most stringent applicable seismic provisions of the Uniform Building Code, including the use of appropriate maximum near source values for lateral force design. These measures would reduce risks to persons and proposed structures to levels generally considered acceptable according to engineering standards for residential projects in the seismically active Bay Area region. Achievement of these acceptable engineering standards is considered mitigation to a less than significant level. Otherwise, all development projects within the entire Bay Area would be required to find significant and unavoidable impacts, and no new development could occur without findings of overriding consideration.

D26.18 p. 3-19 She states the earthquake hazard mitigation measures are insufficient. For example, MM 3.1A merely requires the Project layout adhere to limited geologic setback zones.

Response: As stated above, mitigation measures require that the design of all structures adhere to the most stringent applicable seismic provisions of the Uniform Building Code, including the use of appropriate maximum near source values for lateral force design. Mitigation Measures recommended for the Project are also consistent with published standards of the California Department of Mines and Geology and the provisions of the Alquist-Priolo Special Studies Act earthquake zoning. Adherence to these published criteria and regulatory requirements mitigate potential seismic effects to levels of less than significant. (Also see response to D29.6)

D26.19. She recommends that Condition of Approval 3.3C (p. 3-20) be conducted now, before lots are created.

Response: As noted on page 3-18 of the Draft EIR, *"Several geotechnical investigations have been conducted at the site including recently completed work by Phoenix (1998) that was accomplished in response to the City's requirements, Miller Pacific's memorandum dated April 9, 1998 and letter dated May 7, 1998 and consultation with Lamphier & Associates and the City, Applicant, and Phoenix Geotechnical. The Applicant's geotechnical and geologic investigations are considered adequate in scope and level of detail for the current level of planning and subdivision design."* Substantial effort has been made in preparing this EIR to ensure that the mitigation measures recommended in the Draft EIR are technically feasible and can be accomplished in the field given the geological structure of the soils and bedrock of the site. The EIR authors assert that all significant geotechnical impacts associated with site grading and development can be mitigated to less-than-significant levels using established engineering methods as required by the mitigation measures recommended in the Draft EIR if imposed on the Project as conditions of approval.

Since the approval process and final design might adjust the lot layout and grading plan, it is customary to carry out the detailed investigations for soils and geology repair after the subdivision plan has been finalized. Future geotechnical work and structural design will be guided by the performance standards embodied in the UBC and other manuals or City Code provisions that the City engineers will consult in the future.

D26.20. p. 3-21. She recommends that MMs 3.4A, B and C include additional language ensuring long term maintenance.

Response: See General Response to Comments on Need for On-Going Maintenance. Mitigation Measure 3.4A is revised to include added language regarding long term maintenance. Measures 3.4B & C do not require ongoing maintenance.

D26.21 p. 3-21. The DEIR states that mitigation measures could reduce significant grading impacts to “levels normally considered acceptable for Projects of this type in this region” but fails to take into account that the General Plan and Hillside Guidelines do not permit projects of this type [as described] at the site. She believes that given the scope of proposed grading, the conclusion that the “proposed grading plan and mitigation will improve the overall geologic stability of the site” is unsupported by the DEIR which indicates current geologic problems are relatively minor. She recommends this statement be omitted.

Response: The proposed Project’s consistency with Hillside Guidelines and the General Plan are fully evaluated in Chapter 2 of the Draft EIR. The City Planning Commission and City Council shall determine whether this Project shall be permitted at this site. The purpose of Chapter 3 of the Draft EIR is to evaluate the potential geological hazards associated with the proposed Project and to identify whether mitigation measures imposed on the Project can reduce these hazards to less than significant levels.

As noted on page 3-16 through 3-17 of the Draft EIR, “*Regional aerial photograph mapping, as well as site investigations indicate the presence of relatively minor landsliding along the easterly edge of the Project site. Landslides are also mapped along the west edge of the Project site. A suspected landslide is mapped near the swale area in the southwest portion of the Project site. These landslides are shown on Figure 3.3. Landsliding was observed along portions of the access road to the water storage tank site. Two large landslides were mapped down slope of the access road as shown on Figure 3.4.*” The Draft EIR also identifies potential geological hazards at the site consisting of soil creep, soil sloughs and rock falls and erosion. The “relatively minor” geologic problem of the site pertains to the easterly edge. Mitigation measures are recommended in the Draft EIR to reduce these geological hazards to a level of less than significant through appropriate remediation techniques. These remediation techniques (as discussed in the General Response to Comments on Landslides and Slope Instability) including over-excavation and compacting existing slide areas, re-routing of drainage away from slide areas, and buttresses, keyways and benches could remove existing slope hazards, thereby improving the overall geologic stability of the site.

D26.22. p. 3-25 (MM 3.7A). She recommends that the conclusion that cut impacts would be less than significant after mitigation cannot be reached, given the limited information provided. She recommends a thorough Soils Investigation/Geotechnical Report now, given :HS District requirements and the magnitude of the proposed cut/fill slopes.

Response: See Response to Comment D26.19. The geotechnical information developed for the Project to date is more extensive than is customarily required for this type of project at this point in the review process. The investigations conducted to date have been sufficient to determine the type and extent of necessary mitigation.

D26.23 p. 4-10. She concludes that NR 2.4 and LU9.3 would not allow the proposed General Plan Amendment; removal of 25 acres of oak habitat and filling of wetlands are in direct opposition to these policies. She further believes the Project exceeds the significance criteria for biological impacts and the DEIR’s mitigation do not overcome the adverse impacts.

Response: As noted on page 2-8 of the Draft EIR, “*The mere fact that the Project requires a General Plan Amendment and rezoning, or might be inconsistent with particular policies in the General Plan, Zoning Ordinance, or Hillside Development Guidelines, does not per se amount to a significant environmental effect. Rather, inconsistency with current City policies embodying environmental protection commitments is simply an indication that Project approval might lead to adverse effects on the physical environment. Under CEQA, significant environmental effects must involve an adverse change in physical conditions, as opposed to mere inconsistency with existing policies.*”

Additionally, as noted on page 2-9, *“Policy language contained in a City's General Plan is often subject to varying interpretations. Given this, some projects may be difficult to evaluate in Draft EIRs with respect to consistency or inconsistency with General Plan policies. This is particularly true when disparate General Plan policies conflict in the overall application to a given project. However, case law interpreting the Planning and Zoning Law makes the following points clear: 1) that the meaning of such policies is to be determined by the City Council, as opposed to City staff, EIR consultants, or members of the public; and 2) that the City Council's interpretations of such policies will prevail if they are "reasonable" even though other reasonable interpretations are also possible. Courts have also recognized that, because General Plans often contain numerous policies emphasizing different legislative goals, a development project may be "consistent" with a General Plan, taken as a whole, even though the project may be inconsistent with certain policies.”*

The Draft EIR recognizes (Chapter 3) that the Project as proposed would exceed identified threshold of significance regarding removal of oak woodland habitat and filling of wetlands. General Plan policies NR-9.4 and LU-10.3 (*LU-9.3 was an older reference to this same policy*) require feasible mitigation measures to be implemented to reduce impacts to listed species. Mitigation measures recommended in the Draft EIR would result in substantial modifications to the Project to reduce these impacts to a level of less than significant. See General Response to Comments on Oak Woodland Mitigation Measures.

D26.24 pp. 4-12 to 16. She states that long term effects of the oak woodland loss would not be mitigated to less than significant levels because the new and preserved woodlands would be fragmented or surrounded by development, thus their value would be significantly reduced under both the Project and Mitigated Alternative.

Response: The oak woodlands required to be preserved pursuant to section a) of Mitigation Measure 4-2B would consist of existing undisturbed oak woodlands habitat that would be located off the main residential project site on the water tank site. By providing a conservation easement on this oak woodland preserve area, its habitat value would be permanently preserved. The intent of the new oak woodland plantings required pursuant to sections b) and c) of this mitigation measure is to create a large area within the Project site, adjacent to existing oak woodland habitat that is to remain, that would not be fragmented or surrounded by development. An example of how a design for the Project site could accomplish this is shown on Figure 14- 3 of the Draft EIR. As demonstrated by this conceptual plan, the new oak plantings could occur within a contiguous area along the southern boundary of the property where proposed development and grading/fill activities would be precluded.

D26.25. p. 4-16. She does not believe that mitigation of 24 acres on the Project site by preservation of oaks on the water tank site *outside the city* would mitigate loss of oaks *inside the City's RUL*.

Response: The City of Napa has no requirement that mitigation measures must be implemented within the City boundaries, and there is no biological reason why oak tree mitigation must be carried out within the City limits. Jurisdictional boundaries are not relevant to the preservation of oak woodland habitat values.

D26.26. pp. 5-12 to 13. She recommends that the DEIR be amended to make Chapter 5 consistent with Chapter 2 by requiring the same mitigation for the sewer related fill and cut impacts as is called for in Chapter 2 (p. 2-29) as cited.

Response: Comment noted. The Condition of Approval 2-3 is intended to provide consistency with the Hillside Development Guidelines by, among other conditions, removing Lots #33 through #39 to avoid the extensive fill required to serve these lots with adequate sewer service. If imposed by the City, this condition of approval would be applicable to the Project for a wide variety of reasons including, but not limited to, the provision of sewer service. However, it would be technically

feasible to construct the proposed sewer system within deep trenches or borings. No mitigation measures are required from the perspective of reducing or avoiding potential environmental effect of the Project on the wastewater system. Duplication of mitigation measures and/or conditions of approval is not necessary.

D26.27. pp. 6-10 to 11. The DEIR fails to address how and when maintenance of sediment basins will be provided to assure their long term success.

Response: The detention basins will need to be inspected each summer/fall to identify the need for maintenance, including the removal of sediments and vegetation from within the basin. The condition and need for maintenance will vary each year, with probably more sediment being trapped in the basins during the initial years after the Project is constructed, and less sediment after the erosion control and landscaping measures become more effective. Also, the amount of sediment in the basins will be dependent on the annual total and intensity of rainfall that occurs during the winter months. The more significant rainfall events will generate more erosion, and therefor more frequent maintenance of the detention basins. Please also refer to the Mitigation Monitoring Program and General Response to Comments Regarding the Need for On-Going Maintenance stating that a homeowners association shall be established for the maintenance of numerous facilities including the recommended detention basins.

D26.28 States, given the facts cited on p. 7-23, that the projected 3% increase in traffic on Foster Road with no mitigation is unreasonable; the DEIR should require mitigation for this traffic increase.

Response: See General Response to Comments on Foster Road Traffic Impacts.

D26.29. States that although the DEIR finds the Project could increase the potential for accidents at its new access road, this impact is “less than significant” and no mitigation is required. She recommends that at the least, a separate left turn lane into the Project should be required for safety purposes.

Response: See General Response to Comments on Old Sonoma Road Traffic Safety Hazards. Although the Draft EIR finds that the proposed new intersection on Old Sonoma Road could increase the potential for accidents, this increased potential is considered to be less than significant because the intersection design is located so as to provide appropriate sight distance for drivers on Old Sonoma Road. An evaluation of the warrants for left turn channelization is discussed on page 7-26 of the Draft EIR. This analysis finds that there is insufficient disruption to through traffic to warrant left-turn channelization at the intersection of Old Sonoma Road and the Project access road under existing plus Project conditions.

D26.30. Recommends, regarding odor impacts, (p. 8-12) that agricultural buffer plantings should be specified to avoid vegetation known to be prime habitat for vectors of agricultural hazards, including Pierce’s Disease.

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Response: As noted in a memorandum from Jean Hasser, Napa Planning Department to the Napa Planning Commission of February 9, 1999, “Pierce’s Disease is a major vineyard pest problem in the North Coast. Ornamental plants such as ivy, small periwinkle, rose, fuchsia, and other woody plants in residential or commercial areas can create “hot spots” of Pierce’s Disease in adjacent vineyards (Source: UC Cooperative Extension). Given the pervasiveness of the problem and the stage of research, the Planning Commission may conclude that that any particular measures are speculative at this time.” However, as recommend in this previous memo to the Planning Commission, Condition of Approval 2-5D shall be amended as follows to address this problem. This is consistent

and shall be coordinated with Mitigation Measure 11-3D which further requires a more natural appearing agricultural buffer landscape.

Condition of Approval 2-5D: Agricultural Buffer. *The Project shall be conditioned to provide an agricultural buffer of not less than 80 feet in width from the property line adjoining the RUL on the main, 78-acre parcel. This buffer is included in the Project Description as proposed. Included within this buffer shall be a minimum of 15 feet of landscaping to establish a clear boundary between residences and adjacent agricultural uses, and other provisions of the CR-7 agricultural buffer zoning overlay shall apply to this portion of the site. When the final agricultural buffer landscaping plans are being prepared, the applicant shall consult with the UC Cooperative Extension to identify and avoid potentially problematic plants associated with Pierce's disease near vineyard areas.*

D26.31. Agrees that the Project will cause significant unavoidable impacts on visual quality. States that the Hillside Ordinance 17.54.030 requires that applications for :HS density increases be considered based on the visibility of new houses from Highway 29, Foster Road and Old Sonoma Road, among other vantage points.

Response: Hillside Guidelines, Section :HS 17.54.030 actually states that “The following criteria shall be used in evaluating such [:HS] applications: 1) the visibility of the new house(s) and accessory buildings to the valley floor along Highway 29, Foster Road, and Old Sonoma Road.” The DEIR did evaluate potential visual impacts from locations along these roadways and other vantage points. The Draft EIR recognizes that most visual impacts will be significant and unavoidable in the short term, but mitigated by landscaping in the long term. The overall change in visual character is identified as a significant and unavoidable impact of the Project both short and long term.

D26.32. p. 11-2. Recommends adding LU-1.4 to the aesthetic (policy) setting.
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Response: Page 11-1 of the Draft EIR recognizes that the hillsides and ridgelines of the Project site form a significant natural feature visible to residents and visitors of Napa Valley. While it has been added to the aesthetic policy section, General Plan Policy LU-1.4 does not provide any additional guidance or background information relevant to the Project.

D26.33. p. 11-3 to 9. Recommends expansion of Mitigation Measure 11-1A to provide data on the content of the Guidelines and whether they ensure long term protection of trees remaining after development. She does not believe the mitigation alleviates concerns that remaining oak woodlands would be damaged by over-watering and other practices.

Response: See the General Response to Comments on the Feasibility of the Oak Woodlands Mitigation Measure. Additions to Mitigation Measure 4-2B as described in this general response provide additional guidance for the development of a detailed planting plan as well as a maintenance and monitoring plan for the preserved and created oak woodlands habitat.

D26.34. p. 11-10. States that the viability of fragmented oak woodlands, even in the Mitigated Alternative, is not substantially similar to pre-Project conditions, and the DEIR should identify the elimination of 25 acres of oak woodlands as a significant, unavoidable Project impact.

Response: See General Response to Comments on Feasibility of Oak Woodlands Mitigation Measure, and Response to Comment D26.24. The intent of the new oak woodland plantings required pursuant to Mitigation Measure 4-2B, sub-sections b) and c) is to create a large area within the Project site, adjacent to existing oak woodland habitat that is to remain, that would be preserved via conservation easements as permanent open space. This new planting area should not be fragmented or surrounded by development. An example of how a design for the Project site could

accomplish this objective is shown on Figure 14- 3 of the Draft EIR. As demonstrated by this conceptual plan, the new oak plantings could occur within a contiguous area along the southern boundary of the property where proposed development and grading/fill activities would be precluded. With appropriate plantings, maintenance and long-term monitoring as recommended in the Draft EIR, this area would provide compensation for the loss of oak woodlands habitat that would be substantially similar to the habitat lost. Mitigation Measure 4-2B could reduce the impact to a less than significant level but would require a substantial Project redesign. Without such a substantial redesign, this impact would be a significant and unavoidable impact.

D26.35. p. 11-10 Recommends that new nighttime lighting should be considered significant and unavoidable; lighting will be visible along ridgelines in the winter and summer.

Response: While night time lighting would be visible within the Project, the EIR authors do not believe that such lights would adversely affect night time views to a significant level. Night lighting would include standard city streetlights designed to provide downward light to the street surface and standard residential outdoor lighting. No source of unusual or excessive night lighting is proposed as part of the Project.

D26.36. p. 11-10 to 17. Recommends that the DEIR identify other mitigation measures, including a requirement that Project housing not be visible from SR 29, rather than rely on landscaping to screen homes. She states the assumption that long term significant visual impacts of homes on ridgelines can be avoided by landscape screening is speculative.

Response: The EIR defines significant visual impacts as substantial adverse effects on a scenic vista, substantial damage to a scenic resource, and substantial degradation of the exiting visual character or quality of the site, among other criteria. For impacts to the SR 29 Scenic Corridor, these impacts are specifically defined as the removal of trees, alteration and re-contouring of the site, the presence of homes on undeveloped ridgelines, and cut and fill scars along ridgelines and slopes. Although the :HS zoning district uses home visibility as a criteria to use in evaluating :HS applications, it doesn't require that homes cannot be visible. Therefore, the EIR does not define seeing homes as a significant impact. However, mitigation measures have been proposed to remove certain homes along ridgelines so that they do not stand out against the skyline and to reduce the height of other homes to reduce visual impacts and land use incompatibilities.

D26.37 Agrees with Visual Impact 11-3 and related Mitigation Measures which includes elimination of Lots 33-39 and 27-30.

Response: Comment noted. However, Mitigation Measure 11-3 A and 11.3B recommend elimination of Lots 33 through 39, Lot 27, and Lot 30. Lots 28 and 29 are not recommended for removal.

D26.38. Recommends that the Significant Unavoidable adverse change in the site's visual character should be reason enough to select the No Development Alternative.

Response: Comment noted.

D26.39. She states that the text at the bottom of p. 14-2 incorrectly suggests that the No Development Alternative precludes a significant amount of housing when it is only 7 additional units under the existing General Plan.

Response: The Draft EIR does not say that the No Development Alternative would "preclude a significant amount of housing". Instead, it states that, "*By precluding residential development in a large area within the RUL, the No Development Alternative would not contribute towards the housing growth management objectives of the RUL.*" Development of 7 to 10 units, consistent with the "RA" General Plan land use designation would contribute towards housing growth objectives.

D26.40. She says the first paragraph, p. 14-18 incorrectly states that the Project is generally consistent with many of the City's Hillside Development Guidelines and it should be deleted from the DEIR.

Response: See Response to Comments D26.11 and D26.13.

D26.41. p. 14-22. She recommends that preservation of existing oak woodland habitat on County lands is not sufficient mitigation for tree loss; preserved oak woodlands should be within the City.

Response: See Response to Comment D26.25.

D26.42. She states that the Mitigated Alternative is not consistent with the current General Plan and Hillside Ordinance, destroys valuable biological habitat, irreparably affects visual quality and should be rejected in favor of the environmentally superior No Development or RA Alternatives.

Response: Because this comment merely reiterates the previously expressed views regarding the subjects of general plan consistency, the Hillside Ordinance, biological impacts, and visual quality, no separate response is necessary. See responses to comments D26.9, D26.10, D26.11, D26.13, D26.16, D26.23, D26.31, D26.34, D26.35, and D26.36.

D27. Letter from Gary Martin, 420 Foster Rd dated October 26, 1999

D27.1 Recommends stopping the Napa Oaks subdivision given the adverse increases in traffic and traffic noise it will create on Foster Rd. Noted that he sometimes has to wait five minutes+ to back out onto Foster Rd.

Response: Comments noted. See General Response to Comments on Foster Road Traffic Impacts.

D28. Letter from Helen Simpkins, 2773 Idaho St. received October 28, 1999.

D28.1 Commentor is against big homes spoiling the hill and also has concerns about traffic becoming worse with the added Project traffic.

Response: Comments noted.

D29. October 27 letter from Tony Truchard, Truchard Vineyards, 3234 Old Sonoma Rd.

D29.1 General question about what "less than significant" means; how it is determined.

Response: See General Response to Comments Regarding Levels of Significance.

D29.2 p. 2-32 to 36. Impact 2-5. Conflicts with Agricultural Uses: Notes that one acre lot sizes would still retain many home sites along the property's 3,000 foot long agricultural edge.

Response: A one-acre lot pattern would result in about 15 to 17 lots along the RUL/agricultural edge. However, Draft EIR Condition of Approval 2-5A requires additional “feathering” of densities along the RUL edge.

D29.3. p. 2-35 Condition of Approval 2-5D Agricultural Buffer. Recommends that a buffer much wider than 80 feet would be more appropriate. Also notes that the 80 foot setback is to the house; backyard activities can occur within the 80 foot buffer.

Response: Comment noted. The City’s Agricultural Buffer Overlay District (CR7) requires a special agricultural setback of not less than 80 feet (or more if needed for environmental mitigation) within the property adjoining the RUL. No dwelling units may be located within the agricultural buffer, but the backyard is allowed to be included within the buffer area. Numerous mitigation measures recommended in this EIR for purposes of environmental mitigation would result in an increased setback from the property edge. These mitigation measures include reducing cut and fill activities along the property’s southern boundary, providing greater feathering of Project densities along the edge of the RUL, and restricting residential development from areas exposed to excessive wind machine noise unless interior noise standards can be met, as well as recommended Project revisions to address oak woodland loss through creation of new oak woodland habitat.

D29.4 Chapter 3, Geology. Believes the geologic section is inadequate. Asks what criteria was used to determine that the impact was “mitigated away”, and how earthquake damage can be mitigated to “less than significant” when the exact earthquake magnitude is not known.

Response: The Preliminary Geotechnical Feasibility Study includes analysis of site seismicity (pages 3-8 through 3-10 of the Draft EIR). The studies determined both the exposed bedrock accelerations and the earthquake probability. Mitigation Measure 3.2 requires that the published Uniform Building Code provisions be used for seismic design. The recommended setback zones identified in Mitigation Measure 3.1A are consistent with the regulatory requirements of the Alquist Priolo Earthquake Fault Zoning Act established under the California Department of Mines and Geology. Adherence to these published criteria and regulatory requirements mitigate potential seismic effects to levels of less than significant.

D29.5 Also has not seen any report on the tank site geologic conditions, noting that the tank site is very close to the West Napa Fault.

Response: As noted in the Draft EIR, the water tank is located about 600 feet from the trace of the West Napa Fault, which is not within the Alquist-Priolo Special Study Zone for active faults. The geologic conditions have been explored and evaluated by the Project geotechnical engineer (March 31, 1998) and the EIR geotechnical consultant. Copies of these reports are available at the Napa Planning Department. Mitigation Measure 3.1B addresses utility construction within the geological setback zone. Mitigation Measure 3.2 recommends adherence to seismic design criteria for all construction within the Project, including the water tank.

D29.6 p. 3-18-19. He sees no setbacks of homes where the splintered faults are presumed to be and suggests a map showing this would be in order.

Response: The identified splinter fault traces at the site are shown on Figure 3-3 of the Draft EIR. The entire subdivision however is not within an Alquist Priolo Special Studies Zone. These zones define the areas of active faulting as defined by the State Geologist. At the Project site, the exploratory trenches that were excavated across the fault traces indicate an absence of active fault movement on all but one fault trace, the main north-south fault trace along the Project sites’ western edge. Trenches excavated across two fault segments near the Project’s proposed entry road could not affirmatively rule out active fault movement at this location. Therefore, setback zones were conservatively recommended for these two fault traces locations.

D29.7 p. 3-21, Impact 3.5. Notes that some of the proposed development is on land too steep for vineyards and suggests the same rules should apply to hillside home development, noting extensive cuts and fills have potential for adverse effects. Again asks how [grading] effects can be mitigated to “less than significant.”

Response: See General Response to Comments on Landslides and Slope Instability. The mitigation measures recommended for the Project can reduce the risk of future slope instability to low levels normally considered by engineering geologists to be acceptable for residential development (i.e. it would meet all applicable standards of the Uniform Building Code and the Napa Public Works Department Standard Specifications). By achieving these published regulatory standards, the risks of slope instability would be reduced to levels of less than significant. Additionally, per Condition of Approval 2-3, the most extensive cut and fill areas are recommended to be eliminated.

D29.8. p. 4-12, Impact 4-2. Asks how removal of Oak woodlands, replaced by trees such as Lombardy Poplars, result in mitigation that is “less than significant”?

Response: The mitigation measure addressing the loss of oak woodlands does not provide for the replacement of these oaks by trees such as Lombardy poplars. The oak woodlands mitigation (Mitigation Measure 4-2B) requires preservation of like oak woodlands off-site, as well as creation of additional new oak woodlands on-site. See General Response to Comments on Feasibility of Oak Woodlands Mitigation.

D29.9. p. 5-9, MM 5.2A. Asks whether the site has been checked for fault traces and notes this is a very visible site from both Congress Valley and the City, which will be fought.

Response: See Responses to Comments D29.4, 5 and 6 above. Potential visual quality impact from Congress Valley have been addressed in the Draft EIR under Impact 11.3 (see Figure 11.8 and 11.9 of the Draft EIR).

D29.10 p. 6-12, Impact 6.2. Has concern that residential pollutants could be harmful to vineyards irrigated from the water below and asks why such water quality effects have not been addressed? Also asks why there is no water detention facility above the Raynes reservoir, noting even with detention ponds, much silt will be brought into the Raynes reservoir and creek.

Response: Figure 6.2 of the Draft EIR shows that there are two watersheds within the Project area that drain to the south; a larger watershed that drains into Raynes Creek, and a smaller watershed that drains into Raynes pond. The proposed development plan shows a decrease in the area tributary to Raynes pond resulting in only one house pad (on Lot 38) and the back yards of lots 39, 64, 65 and 66 draining to the pond. All other drainage from developed portions of the Project would be directed to detention ponds prior to discharge from the main Project site. Mitigation Measures 6-2A, B and C address concerns to impacts to water quality associated with the proposed development. The recommended mitigation measures listed on page 6-17 of the Draft EIR, in combination with existing regulations and their enforcement, will likely avoid all significant effects. However, due to uncertainties associated with the occupants’ activities and storm water runoff, it is possible that runoff from the Project will cause some water quality degradation as recognized in the Draft EIR. Additionally, other mitigation measures and conditions of approval would preclude the substantial fill proposed within this smaller watershed such that there would be no development that could occur in this watershed if mitigation measures were required as a condition of Project approval.

D29.11 p. 6-13, Figure 6.3. States that the watershed to Raynes Reservoir appears to be significantly reduced, which is a serious matter, as it will affect appropriated water rights to that reservoir.

Response: The existing area tributary to Raynes Pond is about 36.3 acres. The proposed grading by the Project would re-direct approximately 4.7 acres of this area from draining to the pond. This is about a 13% reduction in the tributary area. This reduction would have some effect on the amount of water available for filling the pond. However, the pond is relatively small compared to the amount of annual runoff from this area, and the redirection of tributary area would have little effect on the amount of runoff stored in the pond due to its limited capacity.

D29.12 p. 6-17 MM 6.2C. Has a concern about the effectiveness of MM 6.2C and maintenance that may deteriorate over time.

Response: The detention basins will need to be inspected each summer/fall to identify the need for maintenance, including the removal of sediments and vegetation from within the basin. The condition and need for maintenance will vary each year, with probably more sediment being trapped in the basins during the initial years after the Project is constructed, and less sediment after the erosion control and landscaping measures become effective. Also, the amount of sediment in the basins will be dependent on the annual total and intensity of rainfall that occurs during the winter months. The more significant rainfall events will generate more erosion, and therefore more frequent maintenance of the detention basins. See also the General Response to Comments Regarding On-Going Maintenance Needs, which requires a homeowners association to be established as the entity responsible for maintenance of the detention basin.

D29.13 p. 2-27, Figure 2.6. Asks how the massive cuts and fills can be mitigated to “less than significant”; stating there is no way to mitigate it and noting that the site’s natural beauty would be gone.

Response: Condition of Approval 2-3 (page 2-29 of the Draft EIR) recommends that the substantial fill proposed on Lots 33 through 39 be avoided by not developing on these sites. The proposed cuts on lots 20 through 25 also are then avoided because the fill necessary for lots 33 through 39 would not be needed. The mitigation identified in the Draft EIR recommends that these substantial cut and fill activities not be undertaken on the Project site. Avoidance of cut and fill is recommended for areas where such grading would be as much as 40 to 50 feet high and/or deep. Other less extensive cut and fill would continue to occur as a result of the Project but these grading activities could be mitigated to a less than significant level as a result of geo-technical, drainage and erosion control mitigation measures.

D29.14 p. 9-7. Believes that MM 9-3A does not adequately address the wind machine noise and complaints would be anticipated from lots 25 through 32.

Response: Mitigation Measure 9-3A, B and C adequately address wind machine noise. The potential for complaints has also been considered in the development of these three mitigation measures. Approximately one-third of the proposed homes would be required to have sound-rated windows and other assemblies in order to achieve identified interior noise standards (which are more restrictive than standard City requirements). If these standards cannot be achieved then homes shall not be constructed in those areas subject to noise levels that can not achieve a 40 dB noise level indoors. See also Response to Comment C6.11

D29.15 p. 8-12, MM8.5C. Commentor states that the area close to the agricultural zone is more dense than the eastern portion.

Response: Proposed lot sizes along the RUL vary from 39,532 square feet to 55,772 square feet. Lots proposed on the central and eastern portion of the site are generally smaller. The cul-de-sac on the southeast corner proposes lots in size ranging from 19,300 square feet to 39,400 square feet, and lots proposed within the central area generally range from 20,000 square feet to 32,000 square feet.

However, Condition of Approval 2-5A would require the Project to provide greater “feathering” of densities along the RUL edge, with lots of 1 to 2-acres in size.

- D29.16** p. 8-13, Condition of Approval 8.5D. Suggests that while the “right to farm” clause is well meant, an irate resident calling authorities can lead to authorities leaning on the farmer to change farming practices.

Response: Comment noted. Additional measures recommended in the Draft EIR to address this potential issue include increased lot sizes along the RUL (Condition of Approval 2-3A), a minimum 80 foot agricultural buffer, fencing, landscaping and other improvements along the Agricultural Buffer, and establishment of a dispute resolution officer from the homeowners association to minimize direct conflict between neighbors and adjacent agricultural operators.

- D29.17** p. 11-17, Impact 11-3. Degradation of Existing Visual Character from Old Sonoma Road. States it may be necessary to elevate lots to fully mitigate this impact, which would also help with “feathering”.

Response: It is unclear to the EIR authors what the comment means regarding elevating lots. Condition of Approval 2-5A would require the Project to provide greater “feathering” of densities along the RUL edge, with lots of 1 to 2-acres in size.

- D29.18** p. 11-29 to 30. Commentor states impacts from light and glare is a significant problem which cannot be satisfactorily mitigated, as lights on a hill can project down into adjacent areas; and people may put bright security lights in their back yards.

Response: See response to Comment D26.35 regarding nighttime lighting. The Planning Commission may wish to consider additional restrictions on security lighting, which could be included in codes, covenants or conditions (CC&Rs) for the Project.

D30. Letter from Lawrence Albedi, 2790 Indiana St., received October 29, 1999

- D30.1** Opposes the Project due to concerns about increased rain runoff, and traffic problems on Old Sonoma Road near Lilienthal, stating the hill is hazardous without major improvements such as a turn lanes and sidewalks on both sides of the hill. He also has concerns about the proposed “emergency road” on Casswall, stating this would add congestion to this street and be a danger to pedestrians.

Response: Please refer to General Responses to Comments on Old Sonoma Road Safety Hazards. No emergency access road is planned on Casswall Street, only a private driveway serving a total of 4 residences. These four additional residences would not contribute to significant traffic congestion on Casswall Street, and the design of this private driveway would meet all safety standards of the City of Napa.

D31. Letter from Phyllis Crandall, a Casswall St. resident, received October 29, 1999.

- D31.1.** Opposes Napa Oaks due to concerns about loss of open space and wildlife habitat, and increased traffic on Old Sonoma Rd, Casswall St., and Foster Rd, with Snow Elementary School.

Response: Comments noted. See General Responses to Comments on Old Sonoma Road Traffic Safety and Traffic Levels on Foster Road. Also refer to Response to Comment C10.3 regarding schools.

D32. October 29, 1999 letter from Leslie Erickson, 2785 Iowa St.

D32.1 Opposes Project for several reasons: oppose further ridgeline development in Napa Valley; and negative local impacts on the water table, soil stability, the site's ecosystem, traffic, schools and aesthetics of the hills.

Response: Comments noted.

D32.2. Chapter 3. States EIR does not address the impact of constructing a water tank could have on the unstable hillside above Lilienthal. How can hills be stabilized enough to bear the weight of such a water tank; and how could anyone guarantee a seismic event wouldn't flood down slope neighbors?

Response: The proposed water tank would be excavated into the Sonoma Volcanic bedrock, a relatively hard and stable material. The weight of the full water tank would be considerably less than the weight of the excavated material. Drainage for the tank site shall incorporate appropriate routing and erosion control design (see Mitigation Measure 3.8A and 3.8B). The geological mapping of the site (see Figure 3.4 of the Draft EIR) shows the presently unstable areas are located between the access road and Old Sonoma Road, not above Lilienthal. The unstable areas shall be remediated pursuant to Mitigation Measure 3.3.

D32.3 p. 3-22. States that mitigation measures 3.5 do not go far enough to assure slope stability won't be compromised. Asks what happens if, after grading has occurred and experts say more mitigation needs to be done and the developer refuses due to costs?

Response: Conditions of approval for the Project require additional investigation and reconstruction of unstable areas. Mitigation measure 3.5A requires testing and inspection during construction. Mitigation Measure 3.5B requires reporting of the as-built condition. If these mitigation measures are not carried out in conformance with the recommendations, the completion report cannot be prepared and the subdivision would not be finalized (e.g., units cannot be released for occupancy, public improvements are not accepted by the city, construction bonds are not released, etc.).

D32.4 States Geologic mitigation measures do not consider how loss of topsoil might affect neighbors between Casswall and Foster Rd. Toe slides can occur anywhere in these hills and the water table is already high. Will residents on Iowa St. need to run sump pumps under their foundations as some Idaho St. neighbors already do?

Response: See General Responses to Comments on Storm Water Runoff and Landslides and Slope Stability.

D32.5 p. 4-11, Impact 4-1. Disagrees that loss of 31.2 acres of grassland is not significant, noting it would shrink habitat for native animals that coexist with cattle there.

Response: See Response to Comment D32.7 below, and General Response to Comments on Levels of Significance Criteria.

D32.6 pp. 4-15 to 16. Believes the Project cannot guarantee that new trees will thrive where topsoil has been graded, nor that they will speedily develop root systems and canopies to help stabilize slopes. Also states a homeowner association is not an adequate entity to manage newly planted areas.

Response: See General Response to Comments on Oak Woodlands Mitigation Measures and General Response to Comments on the Need for On-Going Maintenance. The homeowners association would be responsible for adequate and appropriate management and maintenance, but may choose to employ a professional management and maintenance service for such purposes.

D32.7 p. 4-16. States that, while raptors are mentioned, it does not consider the loss of habitat for deer, raccoon, skunk, fox and other wildlife, noting vineyards have already compromised this habitat.

Response: The Draft EIR recognizes that coast live oak woodlands, annual grasslands and even certain developed areas in the Project area provide habitat value for a diversity of wildlife species including mule deer, raccoons, skunks and other species. This is why oak woodland habitat is considered a habitat of significance and mitigation is recommended for its loss.

D32.8. Chapter 5. Asks why the tank is needed if the City can meet water supply demands. If it is for fire suppression, recommends an alternate location.

Response: As fully described in the water supply section of the Draft EIR, the City can meet water supply demand for existing and planned development. However, the water tank is needed to provide adequate water pressure and treated water storage both for domestic and fire suppression service at the Project site (see Impact 5.2 of the Draft EIR). As part of the City's Water Master Plan, alternative water tank locations have been explored. No other site in the vicinity can provide the necessary elevation to enable the tank to serve the proposed development.

D32.9 Chapter 6. States that Iowa and the other streets running east from Casswall have standing water at their Foster Rd. terminuses for several months each year, and the EIR does not address this issue or how the Project would further impact the water table. Wants to know how this Project would affect their ability to keep their homes dry and landscaped maintained.

Response: Please refer to General Response to Comments on Storm Water Runoff.

D32.10. p. 7-23. Disagrees with the EIR information that no more than 100 additional cars/day will use Foster Rd., when Foster provides access to Snow School, to Highway 29 and to the Imola/Soscol shopping areas.

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Response: Comment noted. See General Response to Comments on Foster Road Traffic Impacts. The Draft EIR has been revised to accurately describe the anticipated traffic volumes on Foster Road, and this portion of the Draft EIR has been recirculated for comment. See Appendix 4.

D32.11 States Old Sonoma Rd. is already too busy, as described.

Response: Comment noted. See General Response to Comments on Old Sonoma Road Traffic Safety.

D32.12. Agrees with the EIR that changes in site visual character would be significant and unavoidable.

Response: The Draft EIR recognizes that visual impacts would be significant and unavoidable in the short term, but mitigated to a level of less than significant in the long term through Project landscaping.

D33 Letter from Christian Flynn, 105 Lilienthal, received October 29, 1999.

D33.1 Opposes Project, commenting the scale and density is not suitable for the site, and that too many detrimental effects may result, mentioning sewer demands, storm drainage, compromised hillsides, traffic, diminished natural beauty, wildlife. He states that there are many key issues which to him seem unsatisfactorily addressed: 2-1, 2-3, 3-7, 4-2, 4-3, 5-2, 5-3, 5-4, 7-1, 7-1, 8-4, 9-1, 11-2, 11-3, 11-6.

Response: Comments noted; however, the vague references to key issues are too general to respond to.

D34. **October 25, 1999 letter from Astrid and Sean Foster, 2763 Illinois St.**

D34.1 States the site's habitat is unique and for that reason has been zoned for Agriculture, Watershed and Open Space. Asks why the City Planning Department is considering a housing development in such a complex and valuable site? With little wildlife habitat left within City limits and a General Plan stating that the City shall "provide for maintenance of the city's surrounding open space/agriculture" (LU1.1), why is the City considering rezoning the area to grant such development which would be inconsistent with General Plan policies?

Response: The Agriculture, Watershed and Open Space zoning is on unincorporated lands in Napa County, not on the Project site. Most of the Project site has been designated in the City General Plan as "RA" Resource Area.

The applicants, not the City Planning Department, have applied for a General Plan Amendment to re-designate the site. See Response to Comment D6.1 regarding the Project application process.

While consistency with General Plan policies has been analyzed in the Draft EIR, a determination as to the Project's consistency with General Plan policies is the responsibility of the City Council.

D34.2 p. 3-22, Mitigation Measure 3.5C. Asks how the City will conduct a final geotechnical peer review, and what is incorporated in that.

Response: The Project applicant would be required to pay for a third party, objective geotechnical engineer to work under contract to the City of Napa to perform the peer review. This task would include reviewing the proposed grading and development plans as they are prepared and ultimately constructed to ensure that all EIR recommended mitigation measures be appropriately incorporated into the Project.

D34.3. pp. 4-11 to 12. Impact 4-2. Asks whether the city agrees that removal of 31 acres of annual grassland would have no impact and therefore require no mitigation?

Response: Annual non-native grassland are not considered sensitive habitat and are afforded no legal protection. The City of Napa will have the responsibility of considering whether or not the EIR provides a technically adequate documentation of the impacts of the proposed Project, including the potential impacts on annual grasslands. If the City determines that the document is technically adequate, the City during the public review process will certify it as technically adequate. If the City Council disagrees with the EIR conclusions, it will not certify the document until it is satisfied that all legal requirements under CEQA have been met.

D34.4 p. 4-15 MM 4.2 Disagrees that planting trees is a valid habitat Mitigation Measure for removal of mature oaks, stating it will take an oak tree at least 50 years to replace removed mature oaks, that trees planted among roads and driveways provide little habitat, and fences also break up any wildlife corridors.

Response: See General Response to Comments on Oak Woodlands Mitigation.

D34.5 **p. 4-17 Mitigation Measure 4.4: Asks whether the city agrees that detention basin would mitigate filling of seasonal wetland on the property, and whether the city is aware that many manmade wetlands fail in their function.**

Response: Development of the wetlands mitigation plan would require approval by the US Army Corps of Engineers as well as the City. Mitigation Measure 4-5 would require that this plan include performance standards to ensure long-term survival of the wetlands mitigation site, as well as 5 years of on-site monitoring.

D34.6 **p. 5-10, Impact 5-1. Asks how many years it will take to upgrade the City's Water Master Plan to increase reliability, when it will be upgraded, and what are the impacts while the system has not been upgraded?**

Response: The City is currently upgrading one of the Browns Valley pump stations to increase the reliability of the existing system. In addition, design plans are being developed to expand the other pump station. As development occurs within Brown's Valley, additional improvements will be made to the water system as necessary to maintain the current level of service. Development projects will install necessary improvements prior to adding additional water demands to the system. The upgrades to the City water distribution system necessary to serve the proposed Project include adding a new water storage facility and upgrading an existing pump station. These upgrades would be implemented by the Project applicant as conditions of approval for the Project.

D34.7 **p. 5-10. Condition of Approval 5.2D. Asks who is responsible for protecting existing wells?**

Response: The Project would be required to connect to the City's water service system. Pursuant to the City's Policy Resolution #27, the property owner would be responsible for protecting and abandoning any existing wells. Condition of Approval 5.2D describes the process for abandoning any existing wells on site.

D34.8 **p. 5-11, Impact 5-3. Commentor notes that the wastewater plant upgrade is scheduled to be completed by 2001, and asks what happens in the meantime? Is the upgrade expected to be completed on time?**

Response: During the interim period before wastewater treatment plant upgrades are complete, the City shall require (as Condition of Approval 5.3) that the Project obtain a "will serve" letter from the Napa Sanitation District prior to the issuance of any building permits. A will serve letter from NSD would only be issued if the NSD has available capacity to accommodate the Project.

D34.9. **p. 6-6, Impact 6-1. Asks what the impacts are on neighbors next to the proposed location of the Casswall St. detention basin. States he believes that excavating the school playfield for the second detention basin site mentioned seems unrealistic and not a valid mitigation measure. He asks what the city thinks regarding the school detention basin; how long it would take to construct; who has the authority to ok it; what happens to the school playfield; and whether neighbors in the vicinity of the playfield have been informed?**

Response: The detention basin that is recommended for the Project site would have little impact on adjoining residences. The basin would be used to store water on a temporary basis. The detention basin would be drained within 24 hours after a storm event to minimize impacts from standing water in the basin, and to prepare the basin for the next storm. In addition, the basin would be fenced and landscaped to prevent trespass and to minimize visual impacts. Included in the design of the basin would be measures to direct flows from infrequent extreme storm events that may surpass the

design capacity of the basin to flow paths that would not result in an increase flooding over that which would occur under existing conditions.

The alternative off-site detention basin suggested on the school playfield site would be planned and sized as a joint use facility to maintain the playfield within the bottom of the detention basin. The use of this facility to store runoff would be infrequent and the use of the playfield could continue for the majority of the year. Such a project would need to be planned with the involvement and input of the City, the School District and the public. The use of this site to accommodate a larger detention facility than is needed by the proposed Project (one that would be designed to accommodate cumulative runoff conditions) would involve extensive additional study by the City. Such a study would need to identify the proper size and resulting benefits to the overall drainage system and would be subject to additional environmental review as a Citywide capital improvement. This latter alternative may not be available by the time the Project is ready to proceed; in such case, the onsite detention system is required.

D34.10. p. 6-10. States that Napa Oaks estimates a peak flow increase of 20 cfs into the Napa River and asks how the Project proposes to mitigate this significant impact?

Response: The peak flow increase of 20 cfs into the Old Sonoma Road drainage system and eventually into the Napa River was identified as an impact of the Project's proposed storm water diversion structure. This diversion structure is intended to divert storm water runoff away from the hillside above the Casswall neighborhood and into the Old Sonoma Road drainage system. Although the Draft EIR found that this diversion structure would have a positive effect on runoff conditions above the Casswall neighborhood, it would result in increased flows downstream of the Project site. To address this increased runoff, the Draft EIR recommends Mitigation Measure 6.1A, which would require the Project to construct and provide for the maintenance of a detention storage basin sized to limit post-Project 100-year flows discharging to Old Sonoma Road, Casswall Street and Raynes Creek to pre-Project conditions. These detention storage basins are recommended to be included in a re-design of the Project. By using these basins to detain runoff, this mitigation measure could ensure that there would be no increase above existing conditions in peak runoff from the Project site, including no increase in peak flows discharging into the Napa River.

The amount of detention storage required on-site to limit the peak 100-year flow to existing conditions is estimated to be about 3.5 acre-feet at a recommended site near Casswall Street. This detention basin should be about an acre in size and be about 5 to 6 feet deep at the maximum point. The basin's outlet would be sized to control the release to pre-Project flow levels and to drain the basin in about 24 hours. Table 6.3 of the Draft EIR presents the results of the hydrology model as modified to include this detention basin, as well as other basins recommended by the mitigation measure. This table shows that the expected flows, as mitigated with detention storage located on-site, could be reduced to a level of less than or equal to the existing flow conditions. Thus, the peak flows discharging to the Napa River would not be increased.

D34.11 p. 2-23. They conclude that the Project is inconsistent with hillside development guidelines which state that grading shall be minimized (p. 2-23) and inconsistent with the General Plan of preserving open space in city limits. They also note that the Project would be located on an earthquake fault and a currently unstable hillside, thus it does not appear to be reasonable or realistic.

Response: Comments noted. The Draft EIR (page 2-24) identifies that "Cuts of 30 to 50 feet, and fill of 30 to 40 feet as proposed in the Project are not consistent with Hillside Development Guidelines of minimizing hillside grading and complimenting natural landforms. The City General Plan does not designate the Project site as "open space". The General Plan designates 78 acres of the site as a "Resource Area" and 2.6 acres as "Single Family Residential", with limited, very low density residential uses (10 units total. See Draft EIR Project Description p. 1-4, paragraph 2, and the

Resource Area Alternative pp. 14-4 to 11). Also See General Response to Comments on Landslides and Slope Instability.

D35 October 29, 1999 letter from Karen Grobl, 2744 Illinois Ave.

D35.1 Opposes Napa Oaks; sees no benefits and cannot understand why it would be considered.

Response: Comments noted. See Response to Comment D6.1 regarding the Project application process.

D35.2 p. 5-12. Impact 5.4. Inadequate Capacity in Existing Sewer Lines. Commentor's main concern is with potential water runoff, as drainage now overflows along Foster Rd. during heavy rains. States Mitigation Measure 5-4 allows for increased flow along Old Sonoma Rd. but doesn't address the rest of the storm drain system.

Response: Mitigation Measure 5-4 addresses required improvements to the City sanitary sewer system, and is not intended to address storm water runoff. Chapter 6 – Hydrology provides a detailed analysis of the Project's effects on the City storm drain system. With the provision of adequate on-site (or potentially off-site) detention sized to limit post-Project 100-year flows discharging into Old Sonoma Road, Casswall Street and Raynes Creek at or below pre-Project conditions (as required by Mitigation Measure 6.1A), peak storm water flows at downstream locations would be less than or equal to existing condition flows. Implementation of Mitigation Measure 6.1A would reduce Project impacts to a less than significant level. Additionally, Condition of Approval 6.1B would require the Project to pay applicable Stormwater System Service Fees that could be used by the City to address cumulative storm drainage deficiencies within the system.

D35.3 p. 7-23. States that traffic signals do not mitigate or solve traffic congestion problems.

Response: Traffic signals do have a substantial mitigating effect on the levels of service at intersections. Levels of service are defined (on page 7-4 of the draft EIR) as qualitative measures that describe operational conditions within a traffic stream, and their perception by motorists and passengers. A level of service condition generally describes these conditions in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort, convenience and safety.

D35.4. p. 1-17. Disagrees with Project objective which would "help Napa achieve its goal of providing adequate housing for all economic segments of the community" as these are high priced dwellings, which in her opinion aren't needed. Believes the Project most likely will provide housing for people who will add to commute congestion into and out of Napa, and asks what planning will mitigate those routes into and out of Napa.

Response: Comments noted. As discussed in Response to Comment D26.4, the Project Objectives are those being sought by the Project applicant. Impacts of commute traffic from the Project are addressed under Chapter 7 – Traffic and Circulation.

D36. Letter from Jane Haight and Carmen Burke, 2798 Utah St., received October 29, 1999

D36.1 Opposes Napa Oaks due to traffic concerns

Response: Comments noted.

D37 October 28, 1999 letter from Sonya Heine, 379 East Spring St.

- D37.1** p. 4-15. Notes that City General Plan policies speak to protection of significant tree species and groves. Agrees with the DEIR that loss of Oak Woodland habitat is a significant impact. However, disagrees that Mitigation Measure 4-2.A and B would compensate for the loss of oak trees given the time it would take to mimic the tree canopy and density of removed trees; and reduced habitat value unless there were no adjacent development (cars, pets, people, structures, etc.) Recommends that the loss of oak woodland habitat, with mitigation, will be a long term impact. Opposes Project.

Response: Comment noted. See General Response to Comments on Feasibility of Oak Woodland Mitigation.

D38 Letter from Betty Koufos, 260 Foster Rd. received October 29, 1999

- D38.1** States that degree of environmental impacts is subjective, and our values determine what may be serious or insignificant. She states it is a fact wildlife will be displaced: how much do we value wildlife? Most of the natural habitat will be lost: what do we value? Traffic will increase, causing more air and noise pollution: how much do we value clean air and quiet neighborhoods? She states, while growth is inevitable and needed to a certain degree, we must closely examine the long term cost of development especially in certain areas, especially our hills. She doesn't believe the developers can adequately address the environmental impact building on our hills will create.

Response: See General Response to Comments on Levels of Significance. In preparing this EIR, the authors have relied on Sections 15064 and 15065 of the CEQA Guidelines, as well as the enhanced Appendices G and I in determining the level at which an effect is considered significant, or whether mitigation measures can reduce impacts to a level of less than significant. They have also used published City guidelines (Policy Resolution 27, the City General Plan and other EIR's certified by the City) to assist and guide in the formulation of criteria for defining significance. Ultimately, under current statute and guidelines, it is the Lead Agency (the City of Napa Planning Commission and City Council) that is required to determine whether a project may cause a significant effect on the environment.

D39. October 28, 1999 letter from Marie Rowan, 2731 Utah St.

- D39.1.** Commentor asks why a water tank is needed and who will maintain it. She asks if it is too expensive to pump water up the hill, and why wells can't be used.

Response: As described in the Water Supply section beginning on page 5-7 of the Draft EIR, the Brown's Valley Pressure Zone (where the Project is located) is in need of additional treated water and fire flow storage, and/or increased pumping reliability in order to provide adequate additional service to the Project. A detailed water service study was conducted for this EIR (West Yost Associates) which concluded that a new water tank could provide adequate fire flow delivery to the Project with great reliability, and could maintain a relatively constant pressure for regular customer service and operation of in-house sprinkler systems. The reliability that is provided by the water tank would be substantially greater than a pump station with back-up power capabilities. The tank would be part of the City's water system and would be maintained by the City. City Policy Resolution 27 requires the Project to be connected to the City water system and not be served by wells.

D39.2 Commentor notes that speeding traffic is already a problem through the neighborhood, describing routes traveled. She is concerned that if this development is completed, residents will not be happy with a 2-lane road to Hwy 121 to commute to the City, thus destroying more natural beauty in the area.

Response: The analysis conducted for the Draft EIR does not indicate that the Project would result in a need for widening of Old Sonoma Road beyond its current two lane configuration. The City of Napa General Plan, which includes future development potential for the entire City, does not call for any widening of Old Sonoma Road. Enforcement of speeding laws is the responsibility of the City of Napa Police Department and the California Highway Patrol. See also the General Response to Comments on Old Sonoma Road Traffic Safety.

D40. October 28, 1999 letter from Sue Rowan, 2731 Utah St.

D40.1 Disagrees with DEIR that traffic will have no impact, noting Old Sonoma Road is high speed and already very heavily traveled, and the proposed entrance will be dangerous. She is concerned when cars are stopped on Old Sonoma to turn onto Lilienthal into this development, accidents will occur, because Old Sonoma Rd. is 2 lanes with nowhere to go.

Response: See General Response to Comments on Old Sonoma Road Traffic Safety.

D40.2. States that adding at least 170 cars to Foster Road will be a disaster, as this area is very popular for walkers and bikers.

Response: See General Response to Comments on Foster Road Traffic Impacts.

D40.3 Believes the subdivision will kill remaining oaks over time by overwatering around the new homes.

Response: See General Response to Comments on On-Going Maintenance. A homeowners association would be established for the Project to provide for the maintenance and care of new and existing oak woodland habitat, including development of appropriate irrigation practices.

D40.4. Asks how stable the water tank will be and whether it has been approved by the City.

Response: See Response to Comment D32.2. The water tank site would be excavated into the Sonoma Volcanic bedrock, which is a relatively hard and stable material. The weight of the contained water would be less than the weight of the excavated material, and no slope instability issues are expected at this location. The geological investigations conducted for this EIR did not reveal any specific instability issues related to the water tank site, but did identify that the access road leading up to the water tank is located above an existing landslide area. Condition of Approval 3.3C requires additional investigation of this slide area to determine subsurface conditions, with re-construction of the slide area and roadway embankment as necessary according to recommendation resulting from this subsequent investigation. The water tank has not been approved by the City, but would be considered for approval as part of the proposed Project.

D40.5. States it is wrong to disrupt the wildlife and natural beauty of these undeveloped hills and suggests a vineyard instead. Asks whether the developer has thought about making donations to help open a new wildlife center to provide a new place for them to live. States site will be a poor location for pets, with Old Sonoma Rd. being a high-speed road.

Response: Comment noted. The EIR has not found that potential impacts to sensitive wildlife species are anticipated. Neither the California tiger salamander, the foothill yellow-legged frog, northern

spotted owl nor the burrowing owl (those species most likely to occupy the site based on habitat types) have been found to occur on the site based on field observations, data records searches and previous site reconnaissance. Therefore, no mitigation measures specifically targeted towards these species have been recommended (it is noted that development of vineyards also has effects on wildlife habitat). Potential impacts to pets is not a CEQA-identified potential impact category, but the City Planning Commission and/or the City Council may wish to consider this point in their deliberations on the Project. The Project does not include any donations for a wildlife center as a part of the Project Application.

D40.6 Asks whether the existing sewer system will be able to handle the increase from the Project or can breaks be anticipated.

Response: The Draft EIR (page 5-12) identifies that the existing sewer system pipeline within the Old Sonoma Road alignment does not have adequate capacity to accommodate the proposed Project. Mitigation Measure 5-4 would require the Project to construct a replacement 10" pipeline for approximately 1,500 feet along Old Sonoma Road to replace a deteriorating 8" existing line, and to construct a new 8" sewer pipeline along the property's Old Sonoma Road frontage west of Lilienthal Street for a length of approximately 1,200 feet.

D40.7 Asks what research has been done to assure that 85 homes on this hillside will be stable and will cause no landslides to existing homes.

Response: See General Response Comments on Landslides and Slope Instability. Research conducted to date pertaining to geological issues at the Project site are itemized on page 3-1 of the Draft EIR. This research includes two reports prepared by Engeo, Inc. in 1997 and 1998, two reports prepared by Phoenix Geotechnical consultants in 1994 and 1998, as well as on-site investigations conducted by Miller Pacific Engineers (geotechnical consultants for this EIR) and additional fault trenching conducted by Phoenix Engineers in 1998.

D40.8. Asks whether there is sufficient water, fire and police staff to serve the Project? Also states that the Project will result in increased taxes and water bills.

Response: As noted on page 5-4 of the Draft EIR, the water demands of the Project can be met under the City's currently available water supplies. As noted on page 10-2 and 10-3 of the Draft EIR, the Project would not require the addition of a new officer to the Napa Police Department. The Project would contribute to a cumulative increase in the need for additional Napa Fire Department personnel, and would pay required City Fire and Paramedic Fees to offset this cumulative impact. The Project's effects on taxes and water rates are not evaluated under CEQA.

Late Correspondence

D41 Letter from Allyn Bagshaw, 2731 Illinois Street, received November 1, 1999

D41.1 States Project should not be before the City again; it has already been considered and Council members declined the previous request.

Response: Comment noted. Please refer to Response to Comment D6.1 regarding the Project application process.

D41.2 Re: Neighborhood integrity. The DEIR needs to address the following dichotomy: the General Plan speaks to developing new neighborhoods with similar qualities as the existing

neighborhoods, yet the new homes would be 2 story and 3000+ square feet, while those in the neighborhood are typically 1,000 square feet and one level.

Response: The Draft EIR (page 2-17) recognizes that the homes proposed adjacent to the Casswall neighborhood are substantially larger than the existing homes, and their size should be adjusted to address General Plan consistency issues. Condition of Approval 2-1B and Mitigation Measure 11.4A would require that the scale of proposed homes on lots 82,83 and 85 be reduced to be more compatible and consistent with the existing neighborhood. Mitigation Measure 11.4B addresses the height of proposed homes on lots 75-80.

D41.3 Re: Woodlands and wildlife (p. 4-12) Commentor cites information from the DEIR that 25 acres and 53% of the trees would be removed. These woodlands are considered to be a significant biological community by the State Department of Fish and Game. Also wetlands would be filled. He believes the proposed tree loss “mitigation” to replant with 467 oak trees, one and five gallon sizes, is not adequate and asks for explanation how it could be considered adequate. He also asks for clarification as to the type of oaks proposed.

Response: See General Response to Comments on Oak Woodlands Mitigation. The type of oaks are described in Response to PH4.2

D41.4 pp. 7-16 to 27. Traffic and summary pages 20-21. He cites from the EIR that 785 trips will be added per day (less than the 850 trips/day originally estimated in the Notice of EIR Preparation) from the main entrance at Lilienthal at Old Sonoma Road onto neighborhood streets and Foster Road with no new streets added or widening. He states this is an unmitigatable impact and the integrity of the existing subdivisions would be irreparably breached. He suggests that the traffic experts drive the entire area at various times of the day in all weather to see the Project is wrong and traffic will be chaotic. He questions why it is described as “less than significant” in the DEIR summary p. 20-21.

Response: See General Responses to Comments on Level of Significance and Foster Road Traffic Impacts. TJKM, transportation consultants to this EIR, have driven the area at various times of the day to fully understand the traffic issues at this location. See Response to Comment PH4.3 regarding the level of significance of traffic impacts. Also see response to PH4.3.

D41.5. Commentor’s other concerns with the Project include its effect on air, noise water, visual, aesthetics, school overcrowding, traffic accidents, and on the *quality of life*.

Response: Comments noted.

D42. Letter from Patricia Patten, 2973 Sunrise Drive received November 1, 1999.

D42.1. Asks if anyone realizes the impact the added cars will have?

Response: TJKM, transportation consultants for this EIR have analyzed the traffic impacts that would result from the proposed Project on selected local intersections, local roadways, internal roads and roadways in the vicinity of the site. This analysis can be found in Chapter 7 – Traffic and Circulation of the Draft EIR and the General Responses to Comments on Old Sonoma Road Safety Hazards and Foster Road Traffic Impacts.

D42.2. Believes the amount of oaks to be removed is outrageous, and that replanting oaks as street trees does not compensate for their loss.

Response: Mitigation Measure 4-2B requires the permanent preservation of off-site, undisturbed oak woodland habitat proportionally equivalent to the amount of habitat lost through development, and new oak woodland habitat to be created on-site proportionally equivalent to the amount of habitat lost through development. This newly created oak woodland habitat must be created in large blocks similar to the types of habitat existing on the site currently, and not just street tree planting. This measure is expected to require substantial Project redesign, as in the Mitigated Alternative, and is in addition to the proposed landscaping plan proposed by the Project.

D42.3 **Recommends that the hillside is unstable and too steep for homes. Asks how the natural springs on site would be handled.**

Response: See General Response to Comments on Landslides and Slope Instability. Although several seeps have been observed on the site, only 3 of these seeps have been found to support a predominance of hydrophytic (moisture-dependent) vegetation. These seeps, along with their associated seasonal ponds, comprise approximately 0.2 acres in size and are proposed to be filled as part of the Projects' proposed grading plan. Mitigation Measure 4-4 would require that new wetland habitat be created on the site to ensure no net loss of this habitat type.

D42.4 **p. 2-4. Asks the definition of "estate housing". Doesn't consider 6 homes on 5 acres to be considered estates given the dictionary definition.**

Response: The homes in question are those located next to the Project's western boundary. Each of these homes is located on a 1 to 2 acre lot. This housing type is generally consistent with the City's "Type B – Estate Residential" neighborhood typology.

D44.2 **Commentor quotes the EIR descriptions p. 4-2 and 4-5 of "intermittent drainage" on the Project site and "seasonal ponds", etc. She notes that neighbors in adjacent properties endure runoff for extended periods of time and she believes it is reasonable to expect that runoff will increase to neighboring properties as a result of the Project.**

Response: See General Response to Comments on Storm Water Runoff.

D44.3 **Commentor cites EIR p. 9-7 and 9-8 that adjacent agricultural operations expose proposed homes to nighttime wind machine noise and to tractor noise. She states that the tractor noise occurs more frequently than 25 days per year. She states that the EIR recommends "sound rated windows and other exterior assemblies" in the new construction, and asks what about the older homes in the surrounding neighborhoods? They should also be considered.**

Response: This EIR has been prepared to analyze the effects of the proposed Project on the existing environment, and the effects that existing conditions may have on the proposed new development. Existing noise sources may have an effect on existing residences irrespective of the proposed Project, but such existing conditions are not an issue for this CEQA document.

Responses to Comments made at the Public Hearing on the Napa Oaks Project Draft EIR, September 30,1999

Muriel Fagiani – 905 Caymus Street

PH1.1 **Commented that people should be able to speak freely about the environmental concerns that they have regarding the Project. Also asked why the State Clearing House number had been changed.**

↔

Response The City of Napa Planning Commission agreed that people should speak freely about their environmental concerns and requested that people who wished to speak during the public comment period focus their comments on the adequacy of the EIR document. The State ClearingHouse number printed on the cover of the Draft EIR was a mis-print. The correct ClearingHouse number is 1998012049 and is amended in the EIR. (In January, 2000, the State ClearingHouse notified the city that, to avoid Y2K computer errors, all '98 and '99, etc. numbers had been revised to add "19" i.e., 1998)

Emma Greer, 713 Carolina Street

PH2.1 Stated that she has been waiting for a home for 3 years.

Response Comment noted. This comment was not directed towards the Napa Oaks Draft EIR document.

Jeff Thayer, Davidon Homes

PH3.1 Believes that the DEIR inaccurately characterizes the Project site as an 80-acre undeveloped "hillside site." Stated that most homes are on the interior of the site.

Response Page 1-1 of the Draft EIR does characterize the Project site as an "undeveloped hillside", but goes on to state that the "site encompasses four prominent knolls separated by small valleys." Also on this page it notes that "Some interior portions of the site are valleys that are not visible from off-site locations."

Allyn Bagshaw, 2731 Illinois Street

PH4.1 Believes that the proposed homes are not consistent with the integrity of the Casswall neighborhood, violating General Plan policies.

Response See Response to Comment D41.2. This is the same comment submitted in writing by the same person.

PH4.2 Agrees that removal of 25 acres of oak woodlands is a significant impact. Does not believe that planting 1 to 5 gallon oaks would adequately mitigate the loss of existing woodlands. Also wants to know whether the replacement trees would be coast live oaks or other oaks.

Response See General Response to Comments on the Feasibility of the Oak Woodlands Mitigation Measure. The replacement plantings would consist of a variety of tree species and understory species that would mimic the tree canopy and density of the removed trees. The oak woodlands on the site contain mostly coast live oak with a few valley oak, Madrone and California buckeye trees.

PH4.3 Questioned the number of trips projected for the Project, the initial study showed 850 and the EIR states 785. Concerned about traffic safety, especially on Old Sonoma Road. Asked what criteria are used when rating whether traffic impacts are significant, and whether these criteria evaluate all weather conditions.

Response The reduction in trips was due to a reduced number of new homes (82 net new homes rather than 85; 3 homes current exist on the site) and a more specific estimate of trip generation rates. Please see Response to Comment D6.5 regarding trip generation rates for the Project. Also, please see General Response to Comments on Old Sonoma Road Traffic Safety, General Response to Increased Traffic on Foster Road, and General Response to Comments on Criteria of Significance. The criteria used to define a significant traffic impact are those published in the City General Plan, as well as those published and used by the Napa County Congestion Management Authority and published traffic engineering criteria such as the Institute of Transportation Engineers (ITE) Circular 212 Planning Method, the ITE Highway Capacity Manual, and City Public Works street standards. Street design standards recognize that weather conditions vary.

Pat Holmes, 2759 Idaho Street

PH5.1 Concerned about water runoff into the adjacent neighborhood.

Response See General Response to Comments on Storm Water Runoff.

Janet Barth, 116 Roosevelt

PH6.1 Does the EIR address mitigation for increased pets that will become predators of songbirds. Suggests that the applicant contribute to the Wildlife Rescue Center.

Response See Response to Comment D40.5.

PH6.2 Notes that it takes certain circumstances for oaks to grow. Does the mitigation include methods to ensure successful establishment of new oak woodlands?

Response See General Response to Comments on the Feasibility of Oak Woodlands Mitigation Measure.

Andre LaVelle, 2787 Jennings

PH7.1 Questions whether, with the destruction of grasslands would other species such as raptors and other animals move out.

Response As noted on page 4-12 of the Draft EIR, the annual grassland vegetation type is common throughout the region. Although the removal of this habitat type would result in a loss of habitat for species such as songbirds, small mammals, rodents, deer, etc., there is abundant grassland habitat in the region where individual species could relocate.

Mark Russell, 2728 Illinois Street

PH8.1 Concerned about water runoff at his home.

Response See General Response to Comments on Storm Water Runoff.

PH8.2 Questioned the adequacy of the proposed poplar tree screening, as poplars are deciduous.

Response The EIR preparers agree. MM 11-3D p. 11-25 of the Draft EIR requires revision of the proposed (poplar) agricultural buffer planting plan to provide a more natural appearing agricultural buffer

landscape, emphasizing native oaks. Additional visual screening is also anticipated by the creation of new oak woodlands habitat pursuant to Mitigation Measure 4-2B. See General Response to Comments on the Feasibility of the recommended oak woodland mitigation measure for information.

PH8.3 Asked how the 100 trips per day on Foster Road was arrived at.

Response See General Response to Comments on Foster Road Traffic Impacts.

Jack Kramer, 2760 Illinois Street

PH9.1 Questioned whether the impacts associated with over watering of oak trees has been addressed.

Response Pursuant to Mitigation Measure 4-2B as amended in this Final EIR, a homeowners association shall be established to assume responsibility for maintenance and monitoring of all areas to be placed within conservation easements, including the Agricultural Buffer, the oak woodlands preservation site, the oak woodlands creation area and other open space easements that contain oak woodlands. A maintenance plan shall be submitted to the City that describes specific maintenance practices including a watering regime for oak trees.

Dan Martin, 3255 Old Sonoma Road

PH10.1 Concerned about the noise generated by traffic on the new subdivision's road on existing homes in the Casswall neighborhood.

Response See Response to Comment D6.2. While residential activity and residential traffic noise at the proposed home sites would be audible at existing residences, no noise criteria or guidelines are exceed by general residential activity or residential traffic noise.

PH10.2 Concerned whether the Project has been designed to be compatible with the RUL and adjacent agricultural land uses.

Response The Project's compatibility with the General Plan policies pertaining to the RUL and adjacent agricultural uses are addressed on pages 2-32 through 2-36 of the Draft EIR. In general, the Draft EIR recommends that the Project be redesigned to provide greater feathering of densities adjacent to the RUL, that it include a minimum 80 foot agricultural buffer consistent with the City's CR-7 Agricultural Buffer zoning district, that an agricultural liaison officer be established to represent the homeowners association, and that all deeds to home sales within the Project area include a right-to-farm notification. These measures are found to reduce conflicts with adjacent land uses to a less than significant level.

Comment Letters on the Recirculated Portion of the Draft EIR

The following chapter of this EIR contains copies of all written correspondence on the Recirculated portion of the Napa Oaks Project EIR received from public agencies and the public during the public review period. Responses to each of these comments are provided in the following Chapter 6 of this EIR.

Federal Agencies	Address	Comment Number
(No Comments)		
State and Regional Agencies		
Office of Planning and Research	1400 Tenth St. Rm 222	
	Sacramento, CA 95812-3044	RD-B1
Department of Transportation	PO Box 23660, Oakland 94623	RD-B2
Local Agencies and Organizations		
City of Napa, Police Department	Sergeant Ron Allgower	RD-C1
Individuals		
Cooper, Marie, McCutchen, Doyle,	1333 N. California Blvd., Ste 210	
Brown & Emersen	P.O. Box V, Walnut Creek 94596	RD-D1
Lang, James & Joan	360 Pickwick Drive 94558	RD-D2

RD-B1



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Loretta Lynch
DIRECTOR

ACKNOWLEDGEMENT OF RECEIPT

DATE: February 4, 2000

TO: JEAN HASSER
CITY OF NAPA
955 Franklin
Napa, CA 94559

RECEIVED

FEB 11 2000

PLANNING DEPARTMENT

RE: NAPA OAKS
SCH#: 1998012049

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: January 26, 2000
Review End Date: March 10, 2000

RD-B1

We have distributed your document to the following agencies and departments:

California Highway Patrol
Caltrans, District 4
Department of Conservation
Department of Fish and Game, Region 3
Department of Food and Agriculture
Department of Forestry and Fire Protection
Department of Health Services
Department of Toxic Substances Control
Department of Water Resources
Office of Historic Preservation
Regional Water Quality Control Board, Region 2
Resources Agency
State Lands Commission
State Water Resources Control Board, Division of Water Rights

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Loretta Lynch
DIRECTOR

March 13, 2000

RECEIVED

MAR 15 2000

JEAN HASSER
CITY OF NAPA
955 Franklin
Napa, CA 94559

PLANNING DEPARTMENT

Subject: NAPA OAKS
SCH#: 1998012049

Dear JEAN HASSER:

RD-
B1.1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 10, 2000, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the eight-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF TRANSPORTATION

BOX 23660

OAKLAND, CA 94623-0660

(510) 286-4444

TDD (510) 288-4454



March 14, 2000

NAP-29-10.698

NAP029571

SCH # 98012049

Ms. Jean Hasser
Napa Planning Department
P O Box 660
Napa, Ca 94559-0660

Dear Ms. Hasser:

Napa Oaks Subdivision

This letter confirms today's telephone discussion between you and Bonnit Braxton of my staff. The comments regarding the Napa Oaks Subdivision Draft Environmental Impact Report (DEIR) contained in our letter dated October 15, 1999, were addressed in the Draft Recirculated Portion of the DEIR. Thank you for responding to our comments.

We appreciate the opportunity to work with you on this project. Should you require additional information or have any questions regarding this letter, please call Bonnit Braxton of my staff at (510) 622-1645.

Sincerely,

HARRY Y. YAHATA
District Director

By

A handwritten signature in cursive script that reads 'Jean C. R. Finney'.

JEAN C. R. FINNEY
District Branch Chief
IGR/CEQA

Enclosure

RECEIVED

MAR 16 2000

PLANNING DEPARTMENT

RD-C1



Napa Police Department

C.R.U.S.H. Program
1539 First Street
Napa, CA 94559



Sergeant Ron Allgower, Supervisor

To: Chief Monez

RECEIVED

RECEIVED

From: Sgt. Allgower

FEB 24 2000

FEB 29 2000

Subject: Napa Oaks Project

POLICE CHIEF'S OFFICE

PLANNING DEPARTMENT

Date: February 24, 2000

In reviewing the EIR for this project, I have noted some areas of concern. This report states 82 new single family dwellings may be built generating 785 additional vehicle trips per day. What this report does not take into consideration is the effect this will have in other areas. Listed below are the areas of concern.

- There is an absence of discussion regarding Foothill Blvd. In fact, Foothill Blvd. is not even represented on the attached maps. The report suggests those leaving the Project and wishing to go north will travel E/B Old Sonoma Rd. to Freeway Drive and then northbound. As we know, Foothill Blvd. intersects with Old Sonoma Rd. just east of the proposed entrance to the Project. Foothill Blvd is a direct route to Laurel St. and then E/B Laurel to the signal at Freeway Dr. This may become a preferred route should the school district proceed with their proposal to re-open Ridgeview Middle School.
- If the school district re-opens Ridgeview Middle School, it will draw traffic from the Browns Valley area. This traffic, by the most direct route will travel S/B Laurel St (where we already have significant complaints), make the jog to S/B Foothill Blvd. to Old Sonoma Rd. This will add to the vehicle trips on Old Sonoma Rd. not discussed in the EIR.
- There should be significant traffic from the area east of Jefferson St. if Ridgeview Middle School opens. This E/B Old Sonoma Rd. traffic will effect the ability of those traveling W/B Old Sonoma Rd. wishing to turn left and travel N/B Freeway Dr. The left turn lane for W/B Old Sonoma Rd. in front of Ridgeview currently will only accommodate three vehicles.
- The SR-29 N/B off-ramp to Imola Ave. will see significant traffic increases to those wishing to travel W/B Imola Ave. Getting across Imola Ave. will be difficult during peak traffic hours. This same scenario will also exist at the First Street off-ramp.

RD-
C1.1

RD-
C1.2

RD-
C1.3

- There seems to be no mention of a left turn pocket into the Project for W/B Old Sonoma Ave. traffic. This will create traffic issues at the intersection of Lilienthal Ave.

RD-
C1.4

- The attached traffic survey appears to be somewhat misleading when it refers to the intersection of Foster Rd. / Old Sonoma Rd. The survey indicates the amount of right turns from E/B Old Sonoma Rd onto S/B Foster Rd during peak hours as 133 (a.m.) and 70 (p.m.). The proposed volume of new turns would be 154 (a.m.) and 90 (p.m.). This is only an increase of 21 in the a.m. and 20 in the p.m., out of an estimated 785 additional trips per day. I find it difficult to believe that out of the 82 proposed homes only 21 residents will be traveling S/B on Foster Rd. in the a.m. with Snow School in that direction. If the students living in this proposed project were to go to Westwood School, there is no mention of the impact on Foothill Blvd. or Laurel Street.

MCCUTCHEN

MCCUTCHEN, DOYLE, BROWN & ENERSEN, LLP

RD-01

February 9, 2000

Direct: (925) 937-5367
mcooper@mdbs.com**VIA FACSIMILE**

Mr. John Yost
 Planning Director
 City of Napa Planning Dept.
 P. O. Box 660
 Napa, CA 94559-0660

Napa Oaks
 Our File No. 71599-142

Dear Mr. Yost:

RD-
D1.1
 Thank you for the opportunity to comment on the recirculated portion of the Napa Oaks EIR, which pertains to "Impact 7-3: Increased Traffic Volumes on Foster Road." Davidson believes that recirculation is not required by law, both because the 9.5% increase falls under the 10% threshold of significance and because mitigation measures are proposed to further reduce the impact, but we support the City's efforts to encourage extensive public review of the actual details and impacts of the Napa Oaks project.

RD-
D1.2
 Page 25 of the Recirculated Portion of the DEIR explains that *Envision Napa 2020* provides that collector streets *may carry* as many as 12,000 vehicles per day, but that "collectors with volumes in excess of 3,000 vehicles per day may impact adjoining residences, requiring mitigation." I am writing to confirm that the description of Impact 7-3 (also on page 25), which might be read to imply that only 3,000 vehicles per day are "prescribed" for a collector, is not meant to alter this policy.

RD-
D1.3
 Also, Davidson previously commented on the bicycle lane, noting there was no evidence of any nexus between a lane already designated by *Envision Napa 2020* and the Napa Oaks project. We have since learned that the bicycle lane is restricted to the site's frontage along Old Sonoma Road — a 256+ frontage on the western side and a 280+ foot frontage at the project's main entrance. We further understand that Old Sonoma Road along the western frontage already contains a striped bicycle lane and that no improvements or maintenance of that lane would be provided by the Napa Oaks Project. Finally, we understand that Old Sonoma Road near the project entrance is already wide enough for a

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San Francisco
 Los Angeles
 Walnut Creek

Palo Alto
 Taipei

Mr. John Yost
February 9, 2000
Page 2

RD-
D1.3
lane, and that all the Napa Oaks Project would be required to contribute is striping for a bicycle lane.

The cost of the bicycle lane therefore appears minimal. So long as the provision of a bicycle lane consists solely of one-time striping of existing pavement along the portion of Old Sonoma Road that fronts the site near the project entrance, Davidson withdraws its no-nexus objection to the bicycle lane.

Very truly yours,

Marie A. Cooper

cc: Jean Hasser
James G. Moose
Jeffrey R. Thayer
(all via facsimile)

30124383 1



McCUTCHEN, DOYLE, BROWN & ENERSEN, LLP

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Taipei

ATTORNEYS AT LAW

Fax Cover Page

Date: February 25, 2000

To: Jean Hasser - City of Napa
fax: (707) 257-9522 voice: (707) 257-9530

cc: Jeffrey R. Thayer - Davidon Homes
fax: (925) 256-0140 voice: (925) 945-8000

From: Marie A. Cooper
fax: (925) 975-5390 voice: (925) 975-5367 mcooper@mdbe.com

Number of pages (including this page): 1
For fax transmission problems, please call (925) 975-5386.

Message:

RD -
013 I am responding to your fax message of 2/24/00, regarding the fact that bike trail costs will include reconstruction and overlays of the existing pavement as needed to provide uniformity of slope and conforms. Davidon agrees this minor expense does not merit further pursuit of its no-nexus objection to the bicycle lane. Please excuse me for overlooking this cost detail in my letter of 2/9/00 to John Yost.

WARNING:

This fax is intended only for the recipient(s) named above. If you receive this fax by mistake, please telephone us (collect) at the above voice number to let us know of the error. If this fax contains privileged or otherwise legally protected information, disclosure of the information to anyone other than the named recipient(s) is not authorized, and you may not lawfully read, copy, or otherwise use this fax unless you are a named recipient or a named recipient's authorized representative.

RD-02

James and Joan Lang
360 Pickwick Drive
Napa, CA 94558

February 16, 2000

RECEIVED

FEB 22 2000

PLANNING DEPARTMENT

John Yost, Planning Director
Napa Planning Department
P.O. Box 660
Napa, Ca 94559-0660

Dear John Yost,

RD-02.1 This letter is regarding the Napa Oaks Project EIR, specifically the traffic impact levels reported for Foster Road. We live 1 block away from Foster Road and Old Sonoma Road, on Pickwick Drive and Old Sonoma Road. The amount of traffic along Foster Road is already quite heavy. We don't believe that Foster Road will adequately accommodate the extra traffic that is anticipated with the Napa Oaks Project.

RD-02.2 We are not opposed to all development in Napa. The downtown revitalization, the proposed Hatt Market riverside project, and the American Center are all very exciting, and should bring tremendous opportunities to the city of Napa. We took the "hillside vineyard tour" offered last fall, and were impressed with the growers' compliance with environmental concerns. We understand that housing will need to be added to accommodate Napa's future growth. We would like to see additional housing added very slowly, after the issues of traffic congestion, water availability, drainage, etc. are addressed and resolved for each project.

RD-02.3 The vineyards and the beautiful hillsides are Napa's most treasured possessions. Further residential development on our hillsides would waste this natural resource. Is there any chance that Napa could purchase the Napa Oaks land, and designate it as open space? We would certainly support such a decision.

Thank you for your time and attention to this most important matter.

Sincerely,

Joan Lang
James Lang
Joan and James Lang

Home phone: (707) 252-2461
Work phone (Joan): (415) 927-1778
E-mail: joanmlang@hotmail.com

Responses to Comments on the Recirculated EIR

Introduction

The following chapter of this document contains responses by the EIR authors to the written comments on the Napa Oaks Project, Recirculated Portions of EIR as contained in Chapter 5. Each response is numbered to correspond to the numbered comments contained in Chapter 5.

Specific Responses to Comments

RD-A. Correspondence from Federal Agencies

None received

RD-B. Correspondence from State and Regional Agencies

RD-B1. Letter from Terry Roberts, Senior Planner, Governor's Office of Planning and Research, letter dated March 13, 2000.

Response: This letter states that no state agencies had submitted comments during the review period, and the City had complied with CEQA requirements.

RD-B2. Letter from Jean Finney, District Branch Chief, California Department of Transportation. March __, 2000.

RD-B2.1. Recognizes that the Recirculated EIR addresses the comments that Caltrans had on the Draft EIR, and that this agency has no additional comments.

Response: Comment noted. No response needed.

RD-C Correspondence from Local Agencies and Agencies

RD-C1. Letter from Sergeant Ron Allgower, Napa Police Department dated February 24, 2000.

RD-C1.1. States that the traffic analysis does not address traffic impacts on Foothill Boulevard, which may be further affected by the re-opening of the Ridgeview Middle School.

Response: The intersections and roadway segments studied in the Draft and Recirculated EIR were determined by the City of Napa with assistance from the consulting team. Thirteen intersections were studied; however, the list did not include Old Sonoma Road/ Foothill Boulevard, nor did it include an analysis of the Foothill Boulevard road segment. The assumption made in the EIR as derived from the traffic model is that Project-generated traffic travelling to and from the north would utilize Old Sonoma Road to Freeway Drive northbound as the most direct and therefore preferred route to northern destinations. Approximately 15% of Project-generated traffic is anticipated to use this route. Since this is the most direct route for northbound destinations (i.e., has the least number of required turns), the traffic model, using a gravity flow methodology, assigns traffic to this route unless congestion along this route would lead motorists to seek alternatives. The intersection at Old Sonoma Road/Freeway Drive is shown (in Table 7.9 of the Draft and Recirculated EIR) to operate at acceptable levels of service “A” or “B” during both the a.m. and p.m. peak hours. Therefore, the traffic model does not re-assign alternative routes for northbound destinations.

This is not to say the Project-generated traffic would not use Foothill Boulevard to Laurel Street to reach northern destinations. Some portion of the 15% of Project-generated traffic may choose to use Foothill-to-Laurel as their preferred route. However, as discussed in the General Response to Comments on Old Sonoma Road Traffic Safety, during the peak hours the frequency of traffic on Old Sonoma Road is projected to increase from one vehicle every 10.5 seconds (existing conditions) to one vehicle every 8.5 seconds (with the Project). This increase in vehicle frequency along Old Sonoma Road would still provide sufficient time for a vehicle to make a left turn from Foothill Boulevard onto Old Sonoma Road (or from Old Sonoma Road onto Foothill), and no significant change in levels of service at this intersection would be expected

Comments regarding the Ridgeview Middle School are not comments about the Project, but on the potential re-opening of this school. The Ridgeview Middle School is currently fully operational, with approximately 600 adult school students, 300 students in a continuation high school program, and 100 students in a charter school. The School District may re-open this school as a grade 6 through 8 middle school with up to 1,000 students. The traffic characteristics of the current school operation versus a middle school operation may vary (i.e., the middle school would be open the standard hours of 8:00 to 3:00, while the current adult school is open later in the evenings). However, such a variation from current travel patterns would not be an impact of the Project addressed in the EIR. The cumulative traffic analysis (shown on Table 15.1 of the Draft EIR) indicates that the eastbound approach on Old Sonoma Road at Freeway Drive (at the Ridgeview school location) is anticipated to worsen from LOS “B” to LOS “C” conditions in the p.m. peak hour with or without the Project. LOS “C” is an acceptable level of service under City policy.

RD-C1.2 Believes that traffic congestion will increase at SR29/Imola and SR29/First.

Response: The potential traffic impacts of the Project at interchanges on SR 29 at Imola and First Street were fully analyzed in the Draft EIR, and re-published in the Recirculated document. According to this

analysis the SR 29 northbound intersections at Imola and First Street both operate at existing level of service "F". Although the proposed Project would contribute additional traffic at these intersections, the Project's contribution of traffic would be less than 1% and slightly more than 1% of the total traffic at these respective intersections, and therefore a less than significant impact. The City General Plan indicates that new signals are anticipated at these intersections pursuant to the City Street Improvement Program, which would improve traffic levels of service at these locations to LOS "A" and "B" respectively. The Project would be required to pay Street Improvement Fees which may be used by the City toward these improvements.

DR-C1.3. No mention of a left turn pocket into Project at Old Sonoma Road/Lilienthal.

Response: The warrants for left turn channelization of Old Sonoma Road have been analyzed in the Draft EIR and the Recirculated portion of the EIR under Impact 7-6. Based on this analysis, there would be insufficient traffic disruption to through traffic on Old Sonoma Road to warrant left-turn channelization at this intersection as a mitigation measure, although the City may wish to place such a condition on the Project as a safety precaution.

RD-C1.4 Believes the traffic survey under estimates the volume of traffic making right turns from eastbound Old Sonoma Road via Foster Road to Snow School. Also believes school travel will affect Foothill Boulevard and Laurel Street.

Response: As shown on Table 7.7 of the Draft and Recirculated EIR, although the Project would generate approximately 785 total daily trips, only 63 of these trips would be expected to be generated during the a.m. peak hour trips, and only 47 of these would be outbound trips. Of these 47 outbound a.m. peak hour trip, nearly half (21 trips) are expected to travel southbound on Foster Road. This ratio is consistent with the anticipated trip distribution as shown on Figure 7.3 and would include those trips to Snow Elementary School that would occur during the a.m. peak hour. See Response to Comment C1.1 above regarding impacts to Foothill Boulevard.

RD-D Correspondence from Members of the Public

RD-D1. Letter from Marie Cooper of McCutchen, Doyle, Brown and Enerson dated February 9, 2000.

RD-D1.1 Believes that recirculation of portions of the Draft EIR was not required by law, but supports the City's efforts to encourage extensive public participation.

Response: Comment noted.

RD-D1.2 Confirming that the description of Impact 7-3 is not meant to alter City policy.

Response: This EIR is not meant to alter City policy in any manner, but only uses City policy as appropriate to define potential environmental impacts.

RD-D1.3 Davidon Homes withdraws its previous no-nexus objection to the requirements for a bicycle lane on Old Sonoma Road pursuant to Mitigation Measure 7-4.

Response: Comment noted. See also Response to Comment D25.10 regarding the requirement of a bicycle lane on Old Sonoma Road.

RD-D2. February 16, 2000 letter from Joan and James Lang , 360 Pickwick Drive

RD-D2.1. Does not believe Foster Road can accommodate traffic added by the project.

Response: As noted in the Recirculated EIR, project-generated traffic would increase existing traffic levels on Foster Road by approximately 10%. Mitigation measures include reducing the size of the Project so that Project-generated traffic would be less than a 10% increase, and/or working with the Traffic Advisory Committee to develop and implement certain traffic calming strategies on Foster Road to alleviate existing traffic safety concerns.

RD-D2.2. Not opposed to all development, but believes that additional housing should be added slowly after resolving traffic, water, drainage, etc. issues.

Response: Comment noted.

RD-D2.3. Would support a decision to purchase the Napa Oaks site and designate it as open space.

Response: This is a comment regarding City policy, not the EIR. However, the potential environmental impacts of such an alternative have been addressed in the Chapter 15 of the Draft EIR, the “No Development” Alternative.

Appendix A

Memorandum from Napa County



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, California 94
Telephone 707/253-4416 FAX 707/253-4

MEMORANDUM:

TO: Jean Hasser, Napa City Planning Dept

FROM: William Selleck, Planner III

SUBJECT: Napa Oaks Subdivision - Preliminary Comments

DATE: April 18, 1997

At the request of Planning Director Jeffrey Redding I have reviewed the information your department supplied this office mid last week in regards to the above-referenced project. As we discussed Tuesday morning an EIR is obviously needed on this proposal. From the County's standpoint, the EIR prepared should cover the following major issues:

1. **Agricultural Conflicts:** Effect of this development on the agricultural uses of the bordering County lands, particularly the vineyard along the southwest edge of the planned development. Effective measures to prevent vandalism of and trespass onto this property should be identified. In addition a project redesign should be explored involving the creation in this part of the development of 1 to 2 acre lots similar to those currently found in the area. Instead of this being the most dense portion of the planned development it should be the least. Finally a "right-to-farm" restriction should be placed on those lots within 1000 feet of the County border, notifying the prospective owners thereof of the presence of agricultural activities in the vicinity and restricting their right to object to the dust, noise, pesticides, ect that are normally associated with agricultural activities.
2. **Views:** Effect of this development and the 50 to 60 foot high cuts associated therewith on local and area-wide views, both from the City and the Congress Valley Area. A visual analysis, including computer-generated photo simulations from the 4 to 5 most important public and private locations from which this property is highly visible, should be included. Specific mitigation measures including the retention of existing tree cover, the planting of screening vegetation, the use of stepped building designs, and restriction of the building/roof colors that may be employed should in addition be identified. Effective ways to maintain any controls suggested over the long term should be specified

For the analysis presented to be accurate the effect of the proposed development including all grading involved on the tree cover present must be considered. The number and size of the trees to be removed, or that will otherwise be damaged to such an extent that they will subsequently die, needs to be taken into account. To determine this a qualified professional consulting arborist must be employed and the tree trunks present must be located to an accuracy of 1 to 2 feet.

3. **Geologic Hazards:** Effect of the development planned, including but not limited to the very large cuts proposed, on the stability of the surrounding slopes. Impacts on nearby existing homes and the new residences proposed need to be identified. Measures to insure that the risk to existing homes from slope failures is not increased and that the risk to the new homes involved is acceptable must be specified. In addition measures should be identified to assure that the slopes created do not become a major maintenance problem.
4. **Alternatives:** An evaluation of reasonable alternative projects for the site should be provided. Included should be a lower density residential subdivision and a clustered development project. A project redesign like the one discussed under Item 1 above should also be discussed. Finally planting the southwest portions of the site that face into Congress Valley to vineyard should be evaluated.

Besides the major issues discussed above, the EIR drafted should include discussions of this project's effect on erosion & sedimentation, regional air quality, construction noise & dust, traffic congestion & safety, and fire hazard exposure.

If you have any questions regarding these comments please feel free to give me a call.

cc: Jeffrey Redding, Planning Director
Sylvia Toth, Supervising Planner

COMMENT1.NOS

Appendix B

City of Napa Policy Resolution 27

POLICY RESOLUTION NO. 27

A POLICY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, ESTABLISHING STANDARD MITIGATION MEASURES AND CONDITIONS OF APPROVAL FOR ALL DEVELOPMENT PROJECTS WITHIN THE CITY OF NAPA

WHEREAS, Section 15.50.010 of the Napa Municipal Code provides that the City Council by resolution may establish standard mitigation measures and conditions of approval which, upon adoption, shall be deemed imposed on all applicable development projects within the City of Napa; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa, State of California, that Policy Resolution 27, as adopted on November 21, 1995, is hereby amended as follows:

Section 1. The City Council does hereby adopt the mitigation measures set forth on the attached Attachment A, as the City of Napa Standard Mitigation Measures. Unless otherwise authorized by the City for a specific project, these mitigation measures are (a) hereby imposed on every development project approved by the City of Napa for which an Environmental Impact Report is prepared; and (b) shall be included in project plans or proposals made by or agreed to by an applicant before a Negative Declaration may be released for public review. Any or all of these mitigation measures may be imposed as conditions of approval of a specific project which is exempt from the California Environmental Quality Act (CEQA).

Section 2. The City Council does hereby adopt the standard conditions of approval set forth on Attachment B as the City of Napa Standard Project Conditions. Unless otherwise provided in a specific project approval, these conditions are hereby imposed on each applicable development project hereafter approved or deemed approved in the City of Napa.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 5th day of October, 1999, by the following roll call vote:

AYES: Sercu, Techel, Busenbark and Martin

NOES: None

ABSENT: Henderson

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

Editor's Note:

Date	Amendment(s)
08/04/1992	Adopted
09/20/1994	Standard mitigations and conditions for development applications
09/19/1995	Requirements regarding exclusive right to haul commercial construction debris
11/21/1995	Suspension of requirements regarding exclusive right to haul commercial construction debris
10/05/1999	(1) Reorganize to conform with State; (2) Minor revisions for clarity; (3) Incorporate housing conditions

CITY OF NAPA
Policy Resolution 27

Attachment A
Standard Mitigation Measures

I. Aesthetics

1. All new lighting shall be shielded to avoid glare and directed onto the project site and access ways.
2. Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.
3. All new utilities shall be placed underground.
4. The Developer shall comply with the following:
 - (a) The plans submitted for the project improvements or building permit, whichever comes first, shall include a final landscape and irrigation plan designed and signed by a licensed landscape architect or landscape contractor. No improvement plans shall be approved nor building permit issued until the Planning Department approves the landscape and irrigation plan. Prior to occupancy, the licensed professional who signed the final landscape and irrigation plan shall certify in writing to the Planning Director that he/she has inspected and approved the installation of landscaping and irrigation and has found them to be consistent with the approved plans and that the systems are in working order. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.
 - (b) Prior to occupancy, Developer shall execute and record the City's Landscape Maintenance Agreement. (Forms are available from the Planning Department.)
5. The Developer shall secure separate architectural review approval for any signage for the project.
6. For properties zoned with the overlay: HS District, all grading and construction activities or modifications of the natural site features on the property including any resulting lots shall be subject to separate final design review to ensure compliance with the Hillside Development Guidelines, to limit grading and to allow the retention of existing trees and other natural features. Accurate topographical and tree location information as well as complete grading, construction or other action plans shall be presented for review. A note setting forth these requirements shall appear on any final or parcel map to provide notice to purchasers

II. Agricultural Resources

None.

III. Air Quality

1. Grading and construction equipment shall be shut down when not in use.
2. Construction activities shall not occur during windy periods.
3. Exposed soil surfaces shall be periodically sprinkled to retard dust; no City water shall be used for this purpose.

IV. Biological Resources

None.

V. Cultural Resources

1. If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.

VI. Geology and Soils

1. All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).
2. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.).
3. If any grading or excavation activities will be performed between October 15 through April 1, the Developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval. No such grading and excavation shall be performed except in accordance with the approved plan and schedule.
4. Hydroseeding of all disturbed slopes shall be completed by November 1.
5. For all subdivision and parcel maps, the Developer has prepared a Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the NMC. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to parcel/final map approval. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of individual house plans in accordance with Title 15 of the NMC.

VII. Hazards and Hazardous Materials

None.

VIII. Hydrology and Water Quality

1. To insure adequate drainage control, the Developer of any project which introduces new impervious surfaces (roof, driveways, patios) which will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department Standard Specifications to the Public Works Department for its approval.
2. If the project is in the Flood Hazard or Floodway Areas of the Napa River or its tributaries, Developer shall submit Certifications of Compliance by a registered architect or civil engineer

required by NMC Chapter 17.62 to the Public Works Department at the times set forth in Chapter 17.62.

3. Side yards of each lot shall have of a minimum unobstructed width of five (5) feet. No building encroachments, door landings or mechanical equipment shall be placed in this unobstructed area without the review and approval of the Public Works Director in order to assure adequate drainage.
4. For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Developer shall obtain all required permits from the California Regional Water Quality Control Board prior to any grading or construction activity.
5. The Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system.
6. All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.
7. The Developer of an industrial facility shall obtain a NPDES permit from the State Water Resources Control Board prior to establishment of the use.
8. All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water.
9. Unless otherwise provided, all measures included in project approval pursuant to NMC Chapter 17.60 (CR suffix and flood evacuation) shall be installed or carried out prior to final clearance of the building permit or concurrently with the installation of site improvements in the case of a subdivision map.

IX. Land Use and Planning

1. Developer shall comply with all requirements of federal, state, and local laws applicable to project construction and issuance of building permits.
2. Developer shall comply with the monitoring/reporting check lists development pursuant to the City of Napa Resolution 96-153 regarding CEQA implementation procedures for both standard and project specific mitigation measures.
3. Developer shall notify all employees and agents of the mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.

X. Mineral Resources

None.

XI. Noise

1. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of

machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.

2. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.
3. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.
4. Grading and construction equipment shall be shut down when not in use.

XII. Population and Housing

None.

XIII. Public Services

1. Developer shall comply with all applicable requirements of the Uniform Fire Code the Fire Department and PWD Standard Specifications and the Fire Department "Standard Requirements for Commercial/Residential Projects," including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, fire hydrants, etc. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.
2. Properties having common ownership shall provide the Fire Department with a notarized copy of the recorded conditions, covenants, and restrictions agreement in a form satisfactory to the City Attorney ensuring that all components of fire protection system(s), and fire access roads will be maintained by a maintenance district, owner's association, or similar legally responsible entity.
3. All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required. Existing habitable buildings which are retained shall be retrofitted.
4. The Developer of any project proposing a change in occupancy use classification (as defined in the Uniform Building Code Table 5A) in a building protected by automatic fire sprinklers shall have the sprinkler system evaluated by a licensed fire sprinkler contractor or fire protection engineer for compliance with National Fire Protection Association Installation Standards. A written report of the inspection findings shall be submitted to the Fire Department prior to final occupancy clearance. A permit is required from Fire Prevention for sprinkler system alterations.
5. The Developer of any project which proposes commercial occupancies shall secure approval from Fire Prevention and Building Departments prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified, or are classified by the Uniform Building Code as an H (hazardous) occupancy.

Examples of these types of occupancies are: Storage of flammable, combustible, explosive, or toxic materials, manufacturing processes involving the above, woodworking shops, fire rebuilding or storage, automotive repair, auto body repair and/or painting, factories where loose combustible fibers are present, semi-conductor fabrication facilities, bulk paint storage, etc.

6. Developer shall pay the required fire and paramedic fees for new development in accordance with Napa Municipal Code Chapter 15.78. Such fees shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 94-106 are incorporated herein. The City further finds that calculation of the fee pursuant to the formula set forth therein demonstrates that there is a reasonable relationship between the fees imposed and the cost of improvements attributable to this project.

XIV. Recreation

1. Developer shall pay the required fees for each new dwelling unit in accordance with the Napa Municipal Code Chapter 15.68. Such fee shall be payable at the rate in effect at the time of payment for the unit involved. The findings set forth in the ordinance and Resolution 92-084 are incorporated herein. The City further finds that calculation of the fee due pursuant to the formula set forth in Section 15.68.040 of the Napa Municipal Code demonstrates that there is a reasonable relationship between the fees imposed and the cost of the improvements attributable to this project.
2. Unless project approval requires only land dedication, the Developer shall pay in-lieu park dedication fee(s) in accordance with and for the purposes of NMC Sections 16.32.040, 15.68.010 and 15.68.090 for each residential unit authorized or allowed by project approval. Such fee(s) shall be payable at the rate in effect at time of payment. The findings set forth in the ordinances and in Resolution 92-084 are incorporated herein. The City further finds that the calculation of fees in accordance with the formula set forth in NMC Section 16.32.040D demonstrates that there is a reasonable relationship between the amount of fees imposed and the costs of acquisition attributable to this project.

XV. Transportation/Traffic

1. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications.
2. During non-working hours, open trenches shall be provided with appropriate signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.
3. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.
4. Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.
5. In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Napa Municipal Code Chapter 15.84 and implementing restrictions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment. The findings set forth in the ordinance and implementing resolutions are incorporated herein. The City further finds that the calculation of the fees in accordance with the trip generation capacity of development demonstrates there is a reasonable relationship between the amount of the fees imposed and the cost of the street improvements attributable to this project.

XVI. Utilities and Service Systems

1. Prior to trenching within existing roadway areas, the Developer's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.
2. Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.
3. The project shall be connected to the Napa Sanitation District for sanitary sewer service. If the subject property is presently served by individual sewage disposal systems, the septic systems, set backs, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.
4. The project shall be connected to the City of Napa water system. Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.
5. The project shall be designed and built in accordance with the PWD Standard Specification regarding the adequate conveyance of storm waters.
6. All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.
7. All shower heads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.
8. The Developer shall completely offset the water requirements of this project by complying with the retrofit requirements of Ordinance No. O93-010.
9. During the construction/demolition/renovation period of the project, Developer shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during project development, unless Developer transports project waste. If the Developer transports the project's waste, Developer must use the appropriate landfill for the service area in which the project is located.
10. Developer shall provide for the source separation of wood waste for recycling. Developer shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.
11. The Developer of a commercial, industrial or multi-family project with common waste disposal facilities shall submit to and receive approval from the Public Works Director of a source reduction plan which meets the City's Source Reduction and Recycling Element and implementing guidelines.
12. A recycling/solid waste enclosure shall be provided in accordance with Chapter 17.102, et seq. of the NMC for all commercial, industrial and multi-family projects with common solid waste facilities.

MONITORING & REPORTING PLAN FOR STANDARD MITIGATION MEASURES*

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
I. AESTHETICS					
1.	All new lighting shall be shielded to avoid glare and directed onto the project site and access ways.	(a) City shall review and approve lighting plan prior to issuance of Building Permit.	Planning	(a) Building Permit Issuance	
		(b) City shall inspect installation.	Public Works (Eng)	(b) Project Constr.	
2.	Low-level lighting shall be utilized in any parking area(s) as opposed to elevated high-intensity light standards.	(a) City shall review and approve lighting plan prior to issuance of Building Permit.	Planning	(a) Building Permit Issuance	
		(b) City shall inspect installation.	Public Works (Eng)	(b) Project Constr.	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
3.	All new utilities shall be placed underground.	(a) City shall review and approve plans prior to issuance of a Building Permit. (b) City shall inspect installation.	Public Works (Eng), Building Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
4.	The Developer shall comply with the following:				
(a)	Submit to and receive approval by the Planning Department of a Landscape and Irrigation Plan designed and signed by a licensed landscape architect or landscape contractor prior to the issuance of a Building Permit, commencement of use, or approval of a Final or Parcel Map. The plan shall conform to the City of Napa's Water Efficient Landscape Guidelines. A final fencing and lighting plan may be included or submitted separately. A substitution of an alternate licensed professional may be allowed by the Planning Director upon a showing of good cause.	(a) City shall review and approve plan.	Planning	(a) Final/Parcel Map approval; Issuance of Building Permit, whichever comes first.	
(b)	Prior to occupancy, the Developer shall execute and record the City's Landscape Maintenance Agreement.	(b) Developer shall submit required agreement prior to occupancy.	Planning	(b) Cert. of Occupancy	
5.	The Developer shall secure separate architectural review approval for any signage for the project.	City shall inspect for compliance.	Planning	Cert. of Occupancy	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
6.	For properties zoned with the overlay: HS District, all grading and construction activities or modifications of the natural site features on the property including any resulting lots shall be subject to separate final design review to ensure compliance with the Hillside Development Guidelines, to limit grading and to allow the retention of existing trees and other natural features. Accurate topographical and tree location information as well as complete grading, construction or other action plans shall be presented for review.	(a) Developer shall receive Final Design Review approval prior to issuance of any Building Permit	Planning	(a) Building Permit issuance	
		(b) Developer shall record with the County Recorder a Notice and Covenant of Property Restrictions	Planning	(b) Parcel/Final Map approval or issuance of Building Permit, whichever occurs first	
II. AGRICULTURAL RESOURCES					
None.					
III. AIR QUALITY					
1.	Grading and construction equipment shall be shut down when not in use.	City shall inspect construction activities.	Public Works (Eng)	Project Constr.	
2.	Construction activities shall not occur during windy periods.	City shall inspect construction activities.	Public Works (Eng)	Project Constr.	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
3.	Exposed soil surfaces shall be periodically sprinkled to retard dust; no city water shall be used for this purpose.	City shall inspect construction activities.	Public Works (Eng)	Project Constr.	
IV. BIOLOGICAL RESOURCES					
	None				
V. CULTURAL RESOURCES					
1.	If any archeological materials or objects are unearthed during project construction, all work in the vicinity shall be immediately halted until a qualified archeologist is retained by the City to evaluate the finds. Developer shall comply with all mitigation recommendations of the archeologist prior to commencing work in the vicinity of the archeological finds.	(a) City shall inspect construction activities. (b) City shall approve archeologist's report and require mitigation.	Public Works (Eng) Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first (b) Project Constr.	

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
2. During non-working hours, open trenches shall be provided with signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
3. All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.	City shall inspect restoration prior to release of security.	Public Works (Eng)	Release of Security	
4. Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
5. In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Ordinance Napa Municipal Code Chapter 15.84 and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment.	Developer shall submit required fee with application.	Building	Building Permit Issuance or Cert. of Occupancy/final inspection as applicable.	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
VI. GEOLOGY AND SOILS					
1.	All Project-related grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Napa Public Works Department Standard Specifications (hereinafter referred to as PWD Standard Specifications).	(a)	City shall review and approve grading and drainage plan prior to issuance of Building Permit	Public Works (Eng)	
		(b)	City shall inspect construction activities.	Public Works (Eng)	
2.	All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.	(a)	City shall review and approve plans prior to issuance of Building Permit.	Building	(a) Building Permit Issuance
		(b)	City shall inspect construction.	Building	
3.	If any grading or excavation activities will be performed between October 15 through April 1, the Developer shall provide an erosion and sediment control plan and a schedule for implementation of approved measures to the Public Works Director for approval. No such grading and excavation shall be performed except in accordance with the approved plan and schedule.	(a)	City shall review and approve erosion control plan and implementation schedule.	Public Works (Eng)	(a) Building Permit Issuance
		(b)	City shall inspect grading and excavation.	Public Works (Eng)	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
4.	Hydroseeding of all disturbed slopes shall be completed by November 1.	City shall inspect.	Public Works (Eng)	Project Constr.	
5.	For all subdivision and parcel maps, the Developer has prepared a preliminary Soils Investigation/Geotechnical Report in accordance with Section 16.36.200 of the NMC. A final report shall be submitted to the Public Works Director for review and determination of adequacy before approval of the Parcel or Final Map. The improvement plans shall incorporate all design and construction criteria specified in the report. The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to Parcel/Final Map approval. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work, that the work performed is adequate and complies with their recommendations. Additional soils information may be required by the Chief Building Inspector during the plan check of the individual house plans in accordance with Title 15 of the NMC.	(a) City shall not approve improvement plans until certified by geotechnical engineer. (b) Engineer shall submit certification to City. (c) City shall delineate and review additional requirements during plan check.	Public Works (Eng) Public Works (Eng) Public Works (Bldg)	(a) Approval of inspection plans (b) Project Acceptance (c) Building Permit Issuance	
VII. HAZARDS AND HAZARDOUS MATERIALS					
None					

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
VIII. HYDROLOGY AND WATER QUALITY					
1.	To insure adequate drainage control, the Developer of any project which introduces new impervious surfaces (roof, driveways, patios) which will change the rate of absorption of drainage or surface run-off shall submit a drainage and grading plan designed in accordance with Policy Resolution No. 17 and the City of Napa Public Works Department 's Standard Specifications to the Public Works Department for its approval. All construction work shall be in accordance with the approved plans.	(a) City shall review and approve plan. (b) City shall inspect construction.	Public Works (Eng) Public Works (Eng)	(a) Building Permit Issuance (b) Project Constr.	
2.	If the project is in the Flood Hazard or Floodway Areas of the Napa River or its tributaries, Developer shall submit Certifications of Compliance by a registered architect or civil engineer required by NMC Chapter 17.62 to the Public Works Department at the times set forth in Chapter 17.62.	(a) City shall review certifications prior to approval of any Final Map. (b) City shall review certifications prior to occupancy.	Public Works (Eng) Building	(a) Final Map Approval (b) Cert. of Occupancy	
3.	Side yards of each lot shall have of a minimum unobstructed width of five (5) feet. No building encroachments, door landings or mechanical equipment shall be placed in this unobstructed area without the review and approval of the Public Works Director.	City shall inspect for compliance.	Public Works (Eng)	Cert. of Occupancy	

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
4. For any construction activity that results in the disturbance of five (5) acres or greater total land area, or is part of a larger common plan of development that disturbs five (5) acres or greater total land area, Developer shall obtain all required permits from the California Regional Water Quality Control Board prior to any grading or construction activity.	(a) Developer shall submit copy of NOI prior to approval of Final Map or other discretionary permit. (b) Developer shall submit copy of permit(s) prior to issuance of grading permit.	Public Works (Eng) Building	(a) Final Map Approval or other Discretionary Approval (b) Grading Permit Issuance	
5. Developer shall ensure that no construction materials (e.g., cleaning fresh concrete from equipment) are conveyed into the storm drain system.	City shall inspect construction activities.	Public Works	Project Constr.	
6. All materials that could cause water pollution (i.e., motor oil, fuels, paints, etc.) shall be stored and used in a manner that will not cause any pollution. All discarded material and any accidental spills shall be removed and disposed of at an approved disposal site.	City shall inspect for compliance.	Public Works	Project Constr.	
7. The Developer of an industrial facility shall obtain a NPDES permit from the State Water Resources Control Board prior to establishment of the use.	Developer shall submit copy of permit prior to issuance of Building Permit or establishment of use.	Public Works	Building Permit Issuance	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
8.	All construction activities shall be performed in a manner that minimizes, to the maximum extent practicable, any pollutants entering directly or indirectly the storm water system or ground water.	(a) Developer shall submit copies of all required permits to City prior to issuance of Building Permit.	Public Works	(a) Building Permit Issuance	
		(b) City shall inspect construction activities.	Public Works (Eng)	(b) Project Constr.	
9.	Unless otherwise provided, all measures included in project approval pursuant to NMC Chapter 17.60 (CR suffix and flood evacuation) shall be installed or carried out prior to final clearance of the Building Permit or concurrently with the installation of site improvements in the case of a subdivision map.	City shall review and approve plans and schedules.	Public Works; Planning	Final clearance of Building Permit or installation of improvements	
IX. LAND USE AND PLANNING					
1.	Developer shall comply with all requirements of federal, state, and local laws applicable to project construction and issuance of Building Permits.	(a) Developer shall submit plans to City and other affected agencies for review and approval; Developer shall pay all required fees.	Building	(a) Building Permit Issuance	
		(b) City shall inspect construction.	Building	(b) Project Construction	

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
2. Developer shall comply with the monitoring/reporting check lists developed for CEQA implementation procedures for both standard and project specific mitigation measures.	(a) Each City department shall submit to Planning Dept. a sign off that each construction-related mitigation plan for which the department is responsible is completed at time of compliance. (b) For each on-going mitigation measure a separate schedule shall be included in the monitoring program for that mitigation measure.	Planning Planning	(a) At time of compliance for each measure. (b) Project Approval	
3. Developer shall notify all employees and agents of the mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions. Developer shall also notify all assigns and transferees of the same.	(a) Developer shall submit certificates to the City indicating compliance. Such certificates shall be submitted prior to issuance of a grading permit, Building Permit and Cert. of Occupancy. (b) City shall record resolution approving project.	Planning, Public Works, Bldg., Fire Prev. City Clerk	(a) Grading Permit, Building Permit, Cert. of Occupancy (b) Project Approval	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
X. MINERAL RESOURCES					
None					
XI. NOISE					
1. Construction activities shall be limited to specific times pursuant to NMC 8.08.025 which limits construction activities to 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 4:00 p.m. on weekends or legal holidays, unless a permit is first secured from the City Manager (or his/her designee) for additional hours. The ordinance further states that there will be: no start up of machines nor equipment prior to 8:00 a.m., Monday through Friday; no delivery of materials nor equipment prior to 7:30 a.m. nor past 5:00 p.m., Monday through Friday; no cleaning of machines nor equipment past 6:00 p.m., Monday through Friday; no servicing of equipment past 6:45 p.m., Monday through Friday.		(a) Developer shall post on-site notice of times for construction. (b) City shall inspect for compliance.	Public Works (Eng) Public Works (Eng)	(a) Project Constr. (b) Project Constr.	
2. Construction equipment must have state-of-the-art muffler systems required by current law. Muffler systems shall be properly maintained.		City shall inspect construction equipment.	Public Works (Eng)	Project Constr.	
3. Noisy stationary construction equipment, such as compressors, shall be placed away from developed areas off-site and/or provided with acoustical shielding.		City inspects location of equipment.	Public Works (Eng)	Project Constr.	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
4.	Grading and construction equipment shall be shut down when not in use.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
XII. POPULATION AND HOUSING					
	None.				
XIII. PUBLIC SERVICES					
1.	Developer shall comply with all applicable requirements of the Uniform Fire Code and the City of Napa Fire and Public Works Standard Specifications including, without limitation, the requirements for access, new construction, smoke detectors, fire extinguishers, fire hydrants, etc. Existing fire hydrants may be used to meet hydrant location requirements only if they meet or are changed to meet current hydrant specifications.	City shall review and approve plans prior to issuance of a Building Permit.	Fire Prev.	Building Permit Issuance	
2.	Properties having common ownership shall provide the Fire Department with a notarized copy of the recorded conditions, covenants, and restrictions agreement in a form satisfactory to the City Attorney ensuring that all components of fire protection systems), and fire access roads will be maintained by a maintenance district, owner's association, or similar legally responsible entity.	Developer shall submit CC&R's to City prior to approval of the Final/Parcel Map.	Fire Prev.	Final/Parcel Map Approval	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
3a.	All newly constructed buildings must have automatic sprinkler systems conforming to NFPA and City Standard Specifications, for which installation permit must be obtained from Fire Prevention. In multi-building complexes, or in buildings with three (3) or more stories, special monitoring conditions will be required.	(a.1) City shall review & approve plans prior to issuance of Building Permit.	Fire Prev.	(a.1) Building Permit Issuance	
		(a.2) City shall inspect construction.	Fire Prev.	(a.2) Project Constr.	
3b.	Existing habitable buildings which are retained shall be retrofitted.	(b) City shall inspect construction.	Fire Prev.	(b) Final/Parcel Map Approval or Building Permit Issuance, whichever comes first	
4.	The Developer of any project proposing a change in occupancy use classification (as defined in the Uniform Building Code Table 5A) in a building protected by automatic fire sprinklers shall have the sprinkler system evaluated by a licensed fire sprinkler contractor or fire protection engineer for compliance with National Fire Protection Association Installation Standards. A written report of the inspection findings shall be submitted to the Fire Department prior to final occupancy clearance. A permit is required from Fire Prevention for sprinkler system alterations.	(a) Developer shall submit written report prior to occupancy clearance.	Fire Prev.	(a) Cert. of Occupancy	
		(b) Applicant shall receive any required permits prior to occupancy.	Fire Prev.	(b) Cert. of Occupancy	

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
5. The Developer of any project which proposes commercial occupancies shall secure approval from Fire Prevention and Building Departments prior to signing lease agreements and allowing occupancy of prospective occupants that pose possible fire and life safety hazards, or are classified, or are classified by the Uniform Building Code as an H (hazardous) occupancy. Examples of these types of occupancies are: Storage of flammable, combustible, explosive, or toxic materials, manufacturing processes involving the above, woodworking shops, fire rebuilding or storage, automotive repair, auto body repair and/or painting, factories where loose combustible fibers are present, semi-conductor fabrication facilities, bulk paint storage, etc.	Developer shall secure approval prior to signing lease agreements and allowing occupancy.	Fire Prev., Building	Prior to Occupancy/Cert. of Occupancy	
6. Developer shall pay the required fire and paramedic fees for new development in accordance with Napa Municipal Code Chapter 15.78. Such fees shall be payable at the rate in effect at the time of payment for the unit involved.	Developer shall submit required fee with application for permit.	Building	Building Permit Issuance or Cert. of Occupancy/final inspection, as applicable	
XIV. RECREATION				
1. Developer shall pay the required fees for each new dwelling unit in accordance with the Napa Municipal Code Chapter 15.68. Such fee shall be payable at the rate in effect at the time of payment for the unit involved.	Developer shall submit the required fees with application for permit.	Building	Building Permit Issuance	

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
2. Unless project approval requires only land dedication, the Developer shall pay in-lieu park dedication fee(s) in accordance with and for the purposes of NMC Sections 16.32.040, 15.68.010 and 15.68.090 for each residential unit authorized or allowed by project approval. Such fee(s) shall be payable at the rate in effect at time of payment.	Developer shall pay the required fees prior to Final/Parcel Map, Building Permit, Cert. of Occupancy.	Building	Final/Parcel Map approval, Building Permit Issuance, Cert. of Occupancy/final inspection as applicable for type of project	
XV. TRANSPORTATION/TRAFFIC				
1. All required public frontage and street improvements shall be designed and built in accordance with City of Napa ordinances and the PWD Standard Specifications.	(a) City shall review and approve plans prior to approval of Final or Parcel Map or issuance of a Building Permit, whichever comes first. (b) City shall inspect construction.	Public Works (Eng) Public Works (Eng)	(a) Final/Parcel Map approval or Building Permit issuance, whichever comes first (b) Project Constr.	
2. During non-working hours, open trenches shall be provided with signage, flashers, and barricades approved by the Street Superintendent to warn oncoming motorists, bicyclists, and pedestrians of potential safety hazards.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
3.	All road surfaces shall be restored to pre-project conditions after completion of any project-related pipeline installation activities.	City shall inspect restoration prior to release of security.	Public Works {Eng}	Project Constr.	
4.	Any pedestrian access through and/or adjacent to the project site shall remain unobstructed during project construction or an alternate route established as approved by the Police Chief and Public Works Director.	City shall inspect for compliance.	Public Works (Eng)	Project Constr.	
5.	In order to mitigate the cumulative impact of the traffic generated by the subject project on the City's arterial and collective street system, the Developer shall pay a Street Improvement Fee in accordance with Ordinance, Napa Municipal Code Chapter 15.84, and implementing resolutions to pay for the traffic improvements identified therein. Such fee shall be payable at the rate in effect at the time of payment.	Developer shall submit required fee with application.	Building	Building Permit Issuance or Cert. of Occupancy/final inspection as applicable.	
XVI. UTILITIES AND SERVICE SYSTEMS					
1.	Prior to trenching within existing roadway areas, the Developer's engineer shall ascertain the location of all underground utility systems and shall design any proposed subsurface utility extensions to avoid disrupting the services of such systems.	(a) Developer shall call USA prior to construction. (b) City shall inspect construction works in public right-of-way.	Public Works (Eng) Public Works (Eng)	(a) Project Constr. (b) Project Constr.	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
2.	Water and energy conservation measures shall be incorporated into project design and construction in accordance with applicable codes and ordinances.	(a) City shall review and approve plans prior to issuance of a Building Permit.	Building	(a) Building Permit Issuance	
		(b) City shall inspect for compliance.	Building	(b) Cert. of Occupancy	
3a.	The project shall be connected to the Napa Sanitation District for sanitary sewer service.	(a1) Sanitation District shall provide written clearance prior to issuance of Building Permit.	Building	(a1) Building Permit Issuance	
		(a2) Sanitation District shall provide written clearance prior to issuance of Cert. of Occupancy.	Building	(a2) Cert. of Occupancy	
3b.	If the subject property is presently served by individual sewage disposal systems, the septic systems, set backs, and reserve areas must be protected and maintained during cleaning, grading, construction, and after connection to the District, the existing septic tank(s) shall be properly destroyed.	(b) The Dept. of Environmental Health shall provide written clearance prior to issuance of Cert. of Occupancy.	Building	(b) Cert. of Occupancy	

MITIGATION MEASURE		METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
4a.	The project shall be connected to the City of Napa water system.	(a) City shall inspect for compliance.	Public Works (Water)	(a) Cert. of Occupancy	
4b.	Any existing well must be properly protected from potential contamination. If an existing well is to be destroyed, a well-destruction permit must be obtained from the Napa County Department of Environmental Management by a licensed well driller. If an existing well is not destroyed, it must be properly protected and an approved backflow prevention device installed according to the Water District's specifications.	(b) Developer shall submit a copy of the permit to City prior to issuance of Cert. of Occupancy or City will inspect for installation of approved backflow device.	Public Works (Water)	(b) Cert. of Occupancy	
5.	The project shall be designed and built in accordance with the City of Napa Public Works Department Standard Specifications regarding the adequate conveyance of storm waters.	(a) City shall review and approve all plans and specifications and inspect construction.	Public Works (Eng)	(a) Final/Parcel Map Approval or Bldg. permit Issuance, whichever comes first.	
		(b) City shall inspect construction.	Public Works (Eng)	(b) Project Constr.	
6.	All faucets in sinks and lavatories shall be equipped with faucet aerators designed to limit the maximum flow to two and two tenths (2.2) gallons per minute.	City shall inspect for compliance.	Building	Cert. of Occupancy	
7.	All shower heads shall be of a design to limit the maximum flow to two and one-half (2.5) gallons per minute.	City shall inspect for compliance.	Building	Cert. of Occupancy	

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
8. The Developer shall completely offset the water requirements of this project by complying with the retrofit requirements of Ordinance No. O93-010.	Developer shall submit Cert. of Compliance and City shall inspect for compliance.	Public Works (Wtr)	Cert. of Occupancy	
9. During the construction/demolition/renovation period of the project, Developer shall use the franchised garbage hauler for the service area in which the project is located to remove all wastes generated during project development, unless Developer transports project waste. If the Developer transports the project's waste, Developer must use the appropriate landfill for the service area in which the project is located.	(a) Developer shall submit a statement indicating how waste will be handled prior to issuance of a Building Permit.	Public Works (Eng)	(a) Building Permit Issuance	
	(b) Developer shall submit copy of receipts from landfill or the franchised garbage hauler.	Public Works (Eng)	(b) Project Constr.	
10a. Developer shall provide for the source separation of wood waste for recycling. 10b. Developer shall use the franchised garbage hauler for the service area in which located for collection of such wood waste, unless the Developer transports such wood waste to a location where wood waste is recycled.	(a) City shall inspect for compliance.	Public Works (Eng)	(a) Project Constr.	
	(b1) Developer shall submit a statement indicating how wood waste will be handled prior to issuance of a Building Permit.	Public Works (Eng)	(b1) Building Permit Issuance	
	(b2) A developer shall submit a copy of receipts from landfill or the franchised garbage hauler.	Public Works (Eng)	(b2) Project Constr.	

MITIGATION MEASURE	METHOD OF MONITORING/REPORTING	VERIFYING DEPT.	TIME OF COMPLIANCE	INT. DATE
11. The Developer of a commercial, industrial or multi-family project with common waste disposal facilities shall submit to and receive approval from the Public Works Director of a source reduction plan which meets the City's Source Reduction and Recycling Element and implementing guidelines.	(a) Developer shall receive plan approval prior to issuance of Building Permit. (b) Developer shall file period reports.	Planning Public Works (Eng)	(a) Building Permit Issuance (b) As per schedule in approved plan	
12. A recycling/solid waste enclosure shall be provided in accordance with Chapter 17.102, et seq. of the NMC for all commercial, industrial and multi-family projects with common solid waste facilities.	(a) City shall review and approve plans prior to permit approval. (b) City inspects for compliance.	Planning Planning	(a) Building Permit issuance (b) Cert. of Occupancy	

*Whenever implementation of a mitigation measure requires approval or compliance prior to issuance of a Building Permit, that implementation shall be read as requiring approval or compliance prior to the commencement of a use in the event a Building Permit will not be required.

CITY OF NAPA POLICY RESOLUTION 27

ATTACHMENT B STANDARD CONDITIONS

GENERAL

1. Developers shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (see Policy Resolution 16 as amended for a partial listing of applicable fees and Policy Resolution 16 or individual departments regarding the timing of fee payment requirements).
2. The authorized project is limited to the project as described in Developer's application, correspondence and final submitted plans and specifications and in accordance with the Developer's representations and agreements made at the public hearing(s) on the project. All project development, including the design and construction of improvements, shall be consistent with the same.
3. The design and construction of all improvements shall comply with the General Plan, any applicable Specific Plan, the Napa Municipal Code (NMC), City ordinances and resolutions, the "Standard Specifications," of the Public Works and Fire Departments and with the plans and specifications submitted to and approved by City.
4. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge which is not filed within that 90-day period will be barred.
5. (a) For subdivisions only: The Developer shall defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul the approval so long as the City promptly notifies the Developer of any such claim, action, or proceedings, and the City cooperates fully in the defense of the action or proceedings.

(b) For approvals, permits other than subdivisions. To the full extent permitted by law, the Developer shall indemnify, defend, release and hold City, its agents, officers, and employees from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Developer, for any injury (including death) or damage to person or property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of the subject property; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation or operation of project improvements and regardless whether the actions or omissions are alleged to be caused by City or Developer so long as City promptly notifies Developer of any such claim, etc., and the City cooperates in the defense of same.
6. Developer shall pay all fees related to filing of environmental documents for the project with the County Clerk.
7. If the Developer is not the owner of the subject property, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Developer.

8. The Developer shall pay all City staff development fees which are or may become due to City pursuant to Napa Municipal Code Section 2-204, et seq.
9. The conditions (and mitigations) of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions (and mitigations) constitute written notice of the statement of the amount of such fees and a description of the dedications, reservations, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations and other exactions has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.

PLANNING DEPARTMENT

No use authorized by a use permit or planned development permit may commence until after the Developer executes any required permit agreement.

PUBLIC WORKS DEPARTMENT

1. The Developer shall install a minimum one-inch thick asphalt concrete overlay whenever an existing City street pavement is cut for utility installations. This shall apply to either longitudinal or transverse cuts, and shall extend a sufficient distance beyond the cuts to allow a smooth transition. Resurfacing may be required to extend to the edge of the existing pavement or to the gutter lip. The limits of the resurfacing will be determined by the Public Works Director as part of the construction improvement plan review.
2. Approved backflow prevention devices shall be installed on all new and existing water services for both domestic and fire services.
3. Any retaining walls which are adjacent to a property line shall be masonry or concrete. Wood retaining walls shall not be installed adjacent to property lines.
4. Installation of street paving shall include reconstruction of the existing pavement section to provide adequate conforms. The limits of such reconstruction shall be reviewed and approved by the Public Works Director as part of the construction plan review.
5. The following standard condition is applicable to use permit approvals:

The Developer shall submit to the Public Works Department construction improvement plans for all on and off-site improvements, including detailed designs for all utilities, water, grading, drainage, erosion control, paving and solid waste storage and recycling areas. The plans shall be prepared by a registered civil engineer unless the Public Works Director authorizes them to be prepared by some other qualified professional. The plans must be reviewed and approved by the Public Works Director prior to issuance of the building permit for the project. If no building permit is required, the plans must be approved by the Public Works Director prior to establishment of the use. All required improvements shall be completed by the Developer prior to occupancy and establishment of the use. To guarantee completion of the improvements, the Developer shall enter into an agreement with the City and provide a security acceptable to the City prior to issuance of any building permit. An agreement will not be required if the Developer completes all of the required improvements to the satisfaction of the Public Works Director prior to issuance of the building permit.

6. The following standard conditions are applicable to tentative subdivision and parcel map approvals:

- (a) Prior to approval of the Final Map or Parcel Map, the Developer shall furnish the Public Works Department with proof of the payment of the mapping service fee as required by Napa County Board of Supervisors Resolution No. 92-119.
 - (b) Prior to approval of the Final Map, the Developer shall provide proof of workers compensation insurance and general liability insurance in the forms and amounts as required by the City Attorney. Typically a one million dollar general liability insurance certificate is required.
 - (c) If multiple final maps are filed, all required improvements shall be installed with the first final map unless a plan showing the detailed phasing of the multiple final maps and installation of improvements is approved by the Planning and Public Works Directors prior to approval of the first map.
 - (d) The Developer shall grant public utility easements adjacent to the public street right-of-way. The size and locations of the easements shall be determined by the Public Works Director based on consultations with representatives of the utility companies. In the event Developer utilizes a curb-adjacent sidewalk, Developer also shall grant a four foot Street Tree Easement for planting and maintenance adjacent to the public utility easements.
7. The Developer shall furnish proof satisfactory in form to the City Attorney of the acquisition of all rights of entry, permits, easements, etc., necessary to construct the project or to satisfy required project mitigation measures and/or conditions prior to map approval or commencement of the use if no map is required.

COMMUNITY RESOURCES DEPARTMENT

- 1. Developer shall submit a conceptual street tree planting plan (to be included in any required improvement plan) for all public streets for approval by the Public Works Director. For subdivision projects, Developer shall enter into an agreement satisfactory in form and security to City to plant and maintain the required street trees prior to the approval of a Final or Parcel Map. For projects other than subdivisions, Developer shall plant the trees shown on the City's approved Street Tree List in accordance with the Standard Specification for Public Improvements and approved conceptual street tree planting plans prior to City's issuance of an occupancy permit or commencement of the use.
- 2. Developer shall maintain (which term includes replacement) the street trees in a healthy, vigorous and growing condition for a period of one (1) year from the date of planting. If at the end of the one (1) year period the trees are not in a healthy, vigorous and growing condition, at the option of the Community Resources Director, the Developer shall replace the tree(s) and/or the Developer's maintenance obligation may be extended for an additional one (1) year period.
- 3. All street back-on and side-on landscape required by the City shall be maintained by a homeowners association, maintenance district or other permanent maintenance arrangement approved by the City. Prior to issuance of a Final/Parcel Map, issuance of building permit or commencement of a use, Developer shall satisfy one of the following alternates: (a) For areas to be maintained by a homeowners association, Developer shall submit a copy of the CC&Rs and association documents for review and receive approval by the City Attorney; (b) For areas to be maintained by a district, Developer shall submit documents necessary to demonstrate to City that the district has been satisfactorily formed; or (c) For areas to be maintained by another arrangement approved by the City, Developer shall submit all papers necessary to assure continued maintenance for review and receive approval by the City Attorney.
- 4. If City has required street back-on or side-on or median strip landscaping, Developer shall submit landscape and irrigation plans to the CRD for approval in accordance with NMC Section 12.44.020.

Plans must conform to the CRD's Specifications for Street Back-On and Median Strip Landscaping a copy of which is available from the Community Resources Department. Developer shall submit evidence of appropriate satisfaction of this requirement prior to approval of final map.

HOUSING

Unless otherwise provided, Developer shall in the case of new non-residential development projects pay the required Housing Impact Fee or in the case of residential development projects construct the affordable unit(s) or pay the In-Lieu Fee in accordance with the terms of NMC Chapter 15.94. Fees shall be payable at the rate in effect at the time of payment. The findings set forth in Ordinance No. O1999 20 and Resolution No. R1999 161 are incorporated herein. The City further finds that there is a reasonable relationship between the fees imposed and the costs of the facilities attributable to this project.

Appendix C

Primary Record, and Building, Structure and
Object Record Forms

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NHRP Status Code 6Z2 _____
Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 2

Resource Name: Stable at 3095 Old Sonoma Road

P1. Other Identifier:

P2. Location: Unrestricted

a. County: Napa

b. USGS 7.5' Quad: Napa, Calif.

Date: 1951, photorevised 1980

T 5 N; R 4 W; sections not surveyed; MDM B. M.

c. Address: 3095 Old Sonoma Road

City Napa

Zip 94558

d. UTM 10/559920/4237630

e. Other Locational Data APN — 043-040-025

P3a. Description: This single-story stable has walls of horizontal board and a gambrel roof with overhanging eaves. Rising from the roof ridge are two gabled vent cupolas. Both the main roof and those of the cupolas are covered in corrugated metal. A hipped-roof porch with shingle sheathing extends across the front (east) elevation. Supporting the porch roof are two plain, braced posts set in concrete bases. The porch floor is an extension of the asphalt pad that fronts the building. Centered on the elevation is a large doorway covered by a door on an overhead rail. The rear elevation has a similar door as well as two smaller openings, one above, which contains a vent, and the other to the left. Four small four-pane windows line the north side elevation. The south side of the building has several doors and two small windows. The wall is constructed of wood sheets. Attached to it is a carport-like structure that extends the length of the elevation. The structure has half-height walls, a shed roof of corrugated plastic, and a metal gate in front. The interior of the building contains a corridor that connects the front and back doors. On the north are three rooms. To the south are two stalls that open onto the side structure. The building appears largely unaltered, although the south wall was probably replaced when the side structure was added. Immediately behind the stable is a shed with walls of horizontal board, a backward sloping shed roof of corrugated metal, and a north-facing double door. The boundary of the property is its immediate surroundings.

P3b. Resource Attributes: HP4—Stable

P4. Resources Present: Building



P5b. Description of Photo:

Front Elevation
November 1999

P6. Date Constructed:

1955 Estimated

P7. Owner and Address:

Davidon Homes
1600 S. Main St., Suite 150
Walnut Creek, CA 94596

P8. Recorded by:

Donald S. Napoli
1614 26th Street
Sacramento, CA 95816

P9. Date Recorded: 11/22/99

P10. Survey Type: Intensive

P11. Report Citation: N/A

Attachments: Building, Structure, and Object Record

DPR 523A - (1/95)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 2

NHRP Status Code 6Z2

Resource Name: Stable at 3095 Old Sonoma Road

B1. Historic Name: Unknown

B2. Common Name: None

B3. Original Use: Stable

B4. Present Use: Stable

B5. Architectural Style: No Style

B6. Construction History: South wall replaced, side structure added, ca. 1975

B7. Moved: NO

B8. Related Features: Nearby on the parcel are a house to the east and a large shed to the west

B9a. Architect: Unknown

b. Builder: Arthur Chipman

B13. Significance: Theme: Agricultural Development

Area: Napa County

Period of Significance: 1850-1955

Property Type: Barns

Applicable Criteria: A, C

This stable lacks historical and architectural significance. It appears to have been put up around 1955 as a replacement for an earlier structure at its location. The building takes the form of a transverse-crib barn, in which a central corridor is flanked on each side by cribs or stalls. Barns of this type are familiar in the Napa area, and many examples from the nineteenth and early twentieth century remain. The gambrel roof is an usual feature, as are cupola vents. Because of the recent construction date, the roof treatment probably represents a conscious attempt to create a picturesque appearance rather than a use of traditional construction techniques. Although Charles Buck owned the property from around 1910 to the late 1930s, the barns from his tenure are now gone. The stable reflects a later occupancy, that of Arthur and Dorothy Chipman, who acquired the property in the early 1950s. Arthur Chipman operated a moving and storage business in Napa for many years. He and his family still had time to work the ranch, where they raised horses and cattle. Chipman began work on the stable soon after arriving, and its construction became something of a labor of love for him. The stable brings back memories to the Chipman family but possesses little broader significance. The building has links only to a recent era of the Napa valley's agricultural past and illustrates no important innovation in barn design. For these reasons the stable appears ineligible for listing in the National or California Registers.

B11. Additional Resource Attributes:

B12. References: Interview with Tom Chipman, 24 November 1999; O. H. Buckman, comp., *Official Map of the County of Napa, California*, 1895, 1915; Napa County directories, 1914-1979; "Napa, Calif.," USGS topographic maps, 1951, rev. 1973, 1980.

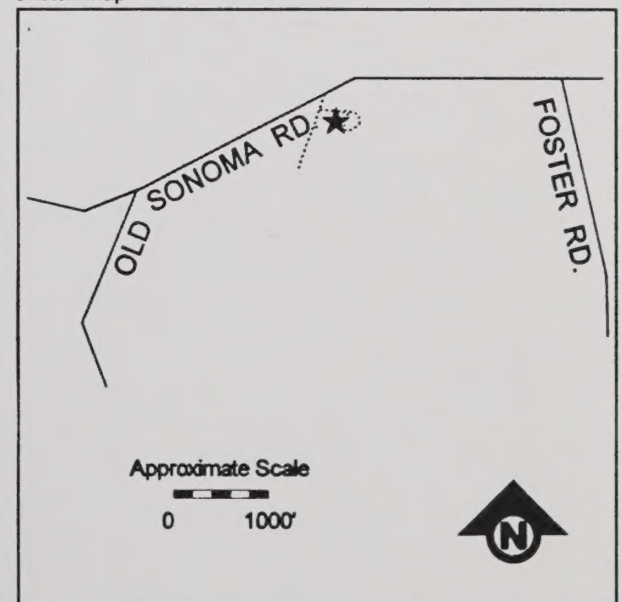
B13. Remarks:

B14. Evaluator: Donald S. Napoli

Date of Evaluation: 11/24/99

(This space reserved for official comments.)

Sketch Map



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